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Preliminary Draft

Management Situation Analysis

Appendices

Pinedale Resource Management Plan

Prepared for the Bureau of Land Management
Pinedale Field Office

Prepared By:

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Bureau of Land Management

Department of the Interior

Pinedale Field Office

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MANAGEMENT SITUATION ANALYSIS

Pinedale Resource Management Plan

APPENDICES

Prepared for:
The Bureau of Land Management
July 2001

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APPENDIX A
LAWS, REGULATIONS, AND POLICY

A number of Federal statutes have been enacted over time to establish and define the authority of BLM to make decisions on the management and use of resources on public land. Following is a list of major legal authorities relevant to BLM land use planning, in addition to NEPA.

1. The Federal Land Policy and Management Act or 1976 (FLPMA), as amended, 43 U.S.C. 1701 *et seq.*, provides the authority for BLM land use planning.

   a. Sec. 102 (a) (7) and (8) sets forth the policy of the United States concerning the management of BLM lands.

   b. Sec. 201 requires the Secretary of the Interior to prepare and maintain an inventory of all BLM lands and their resources and other values, giving priority to areas of critical environmental concern (ACECs); and, as funding and workforce are available, to determine the boundaries of the public lands, provide signs and maps to the public, and provide inventory data to State and local governments.

   c. Sec. 202 (a) requires the Secretary, with public involvement, to develop, maintain, and when appropriate, revise land use plans that provide by tracts or areas for the use of the BLM lands.

   d. Sec. 202 (c) (9) requires that land use plans for BLM lands be consistent with tribal plans and, to the maximum extent consistent with applicable Federal laws, with State and local plans.

   e. Sec. 202 (d) provides that all public lands, regardless of classification, are subject to inclusion in land use plans, and that the Secretary may modify or terminate classifications consistent with land use plans.

   f. Sec. 202 (f) and Sec. 309 (e) provide that Federal, State, and local governments and the public be given adequate notice and opportunity to comment on the formulation of standards and criteria for, and to participate in, the preparation and execution of plans and programs for the management of the public lands.

   g. Sec. 302 (a) requires the Secretary to manage the BLM lands under the principles of multiple use and sustained yield, in accordance with, when available, land use plans developed under Sec. 202 of FLPMA, except that

where a tract of BLM lands has been dedicated to specific uses according to any other provisions of law, it shall be managed in accordance with such laws.

h. Sec. 302 (b) recognizes the entry and development rights of mining claimants, while directing the Secretary to prevent unnecessary or undue degradation of the public lands.

2. The Clean Air Act of 1990, as amended, 42 U.S.C. 7418, requires Federal agencies to comply with all Federal, State and local requirements regarding the control and abatement of air pollution. This includes abiding by the requirements of State Implementation Plans.

3. The Clean Water Act of 1987, as amended, 33 U.S.C. 1251, establishes objectives to restore and maintain the chemical, physical, and biological integrity of the Nation's water.

4. The Federal Water Pollution Control Act, 33 U.S.C. 1323, requires the Federal land manager to comply with all Federal, State, and local requirements, administrative authority, process, and sanctions regarding the control and abatement of water pollution in the same manner and to the same extent as any non-governmental entity.

5. The Safe Drinking Water Act, 42 U.S.C. 201, is designed to make the Nation's waters "drinkable" as well as "swimmable." Amendments in 1996 establish a direct connection between safe drinking water and watershed protection and management.

6. The Endangered Species Act (ESA) of 1973, as amended, 16 U.S.C. 1531 et seq.:

   a. Provides a means whereby the ecosystems upon which endangered and threatened species depend may be conserved and to provide a program for the conservation of such endangered and threatened species (Sec. 1531 (b), Purposes).

   b. Requires all Federal agencies to seek to conserve endangered and threatened species and utilize applicable authorities in furtherance of the purposes of the Endangered Species Act (Sec. 1531 (c) (1), Policy).

   c. Requires all Federal agencies to avoid jeopardizing the continued existence of any species that is listed or proposed for listing as threatened or endangered or

destroying or adversely modifying its designated or proposed critical habitat (Sec. 1536 (a), Interagency Cooperation).

d. Requires all Federal agencies to consult (or confer) in accordance with Sec. 7 of the ESA with the Secretary of the Interior, through the Fish and Wildlife Service and/or the National Marine Fisheries Service, to ensure that any Federal action (including land use plans) or activity is not likely to jeopardize the continued existence of any species listed of proposed to be listed under the provisions of the ESA, or result in the destruction of adverse modification of designated of proposed critical habitat (Sec. 1536 (a), Interagency Cooperation, and 50 CFR 402).

7. The Wild and Scenic Rivers Act, as amended, 16 U.S.C. 1271 et seq., requires the Federal land management agencies to identify potential river systems and then study them for potential designation as wild, scenic, or recreational rivers.

8. The Wilderness Act, as amended, 16 U.S.C. 1131 et seq., authorizes the President to make recommendations to the Congress for Federal lands to be aside for preservation as wilderness.

9. The Antiquities Act of 1906, 16 U.S.C. 431-433, protects cultural resources on Federal lands and authorizes the President to designate National Monuments of Federal lands.

10. The National Historic Preservation Act (NHPA), as amended, 16 U.S.C. 470, expands protection of historic and archeological properties to include those of national, State, and local significance and directs Federal agencies to consider the effects of proposed actions on properties eligible for or included in the National Register of Historic Places.

11. The American Indian Religious Freedom Act of 1978, 42 U.S.C. 1996, establishes a national policy to protect and preserve the right of America Indians to exercise traditional Indian religious beliefs or practices.

12. The Recreation and Public Purposes Act of 1926, as amended, 43 U.S.C. 869 et seq., authorizes the Secretary of the Interior to lease or convey BLM lands for recreational and public purposes under specified conditions.

13. The Federal Coal Leasing Amendments Act of 1976, 30 U.S.C. 201 (a) (3) (A) (i), requires that coal leases be issued in conformance with a comprehensive land use plan.

14. The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq., requires application unsuitability criteria prior to coal leasing and also to proposed mining operations for minerals or mineral materials other than coal.

15. The Mineral Leasing Act of 1920, as amended, 30 U.S.C. 181 et seq., authorizes the development and conservation of oil and gas resources.

16. The Onshore Oil and Gas Leasing Reform Act of 1987, 30 U.S.C. 181 et seq., provides:

    e. Potential oil and gas resources be adequately addressed in planning documents;

    f. The social, economic, and environmental consequences of exploration and development of oil and gas resources be determined; and

    g. Any stipulations to be applied to oil and gas leases be clearly identified.

17. The General Mining Law of 1872, as amended, 30 U.S.C. 21 et seq., allows the location, use and patenting of mining claims on sites on public domain lands of the United States.

18. The Mining and Mineral Policy Act of 1970, 30 U.S.C. 21a, establishes a policy of fostering development of economically stable mining and minerals industries, their orderly and economic development, and studying methods for disposal of waste and reclamation.

19. The Taylor Grazing Act of 1934, 43 U.S.C. 315, "[T]he Secretary of the Interior is authorized, in his discretion, by order to establish grazing districts or additions thereto…of vacant unappropriated and unreserved lands from any part of the public domain…which in his opinion are chiefly valuable for grazing and raising forage crops[.]…." The Act also provides for the classification of lands for particular uses.

20. The Public Rangelands Improvement Act of 1978, 43 U.S.C. 1901, provides that the public rangelands be managed so that they become as productive as feasible in accordance with management objectives and the land use planning process established pursuant to 43 U.S.C. 1712.

21. Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), 49 Fed. Reg. 7629 (1994), requires that each Federal agency consider the impacts of its programs on minority populations and low income populations.

22. Executive Order 13007 (Indian Sacred Sites), 61 Fed Reg. 26771 (1996), requires Federal agencies to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions to:

    h. Accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners; and

    i. Avoid adversely affecting the physical integrity of such sacred sites.

23. Executive Order 13084 (Consultation and Coordination with Indian Tribal Governments) provides, in part, that each Federal agency shall establish regular and meaningful consultation and collaboration with Indian tribal governments in development of regulatory practices on Federal matters that significantly or uniquely affect their communities.

24. Executive Order 13112 (Invasive Species) provides that no Federal agency shall authorize, fund or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk or harm will be taken in conjunction with the actions.

25. Secretarial Order 3175 (incorporated into the Departmental Manual at 512 DM 2) requires that if Department of the Interior (DOI) agency actions might impact Indian trust resources, the agency explicitly address those potential impacts in

planning and decision documents, and the agency consult with the tribal government whose trust resources are potentially affected by the Federal action.

26. Secretarial Order 3206 (American Indian Tribal Rights, Federal –Tribal Trust Responsibilities, and the Endangered Species Act) requires DOI agencies to consult with Indian Tribes when agency actions to protect a listed species, as a result of compliance with ESA, affect or may affect Indian lands, tribal trust resources, or the exercise of American Indian tribal rights.

APPENDIX B

PRELIMINARY PLANNING CRITERIA

GENERAL PLANNING CRITERIA

Planning criteria are the constraints or ground rules that are developed to guide and direct the planning review for the Great Divide RMP. The planning criteria serve to:

- Ensure that the planning effort follows and incorporates legal requirements, provides for management of all resource uses in the planning area, is focused on the issues, and is accomplished efficiently;
- To identify the scope and parameters of the planning effort; and
- Inform the public of what to expect of the planning effort.

Planning criteria are based on standards prescribed by laws and regulations; guidance provided by the BLM Wyoming State Director; results of consultation and coordination with the public, other agencies and governmental entities, and Indian tribes; analysis of information pertinent to the planning area; public input; and professional judgement.

The planning criteria focus on the development of management options and alternatives, analysis of their effects, and selection of the Preferred Alternative and the Proposed RMP. Additional planning criteria may be identified as the planning process progresses. The following lists the general planning criteria:

1. This planning effort will recognize valid existing rights.

2. Actions must comply with laws, executive orders, and regulations.

3. Lands covered in the EIS for the planning effort include any/all lands that may affect, or be affected by, the management occurring on the BLM-administered public lands in the planning area. However, the planning decisions in the RMP will apply only to the BLM-administered public lands and federal mineral estate in the planning area. This includes decisions on the BLM-administered federal minerals that underlie non-federal lands (split estate) in the planning area. Within the planning area, there will be no RMP decisions made on non-federal land surface or mineral estate, on federal lands administered by other federal agencies,

or the federal mineral estate underlying federal lands administered by other federal agencies.

4. A collaborative and multi-jurisdictional approach will be used, where possible, to jointly determine the desired future condition and management direction for the public lands.

5. To the extent possible and within legal and regulatory parameters, BLM management and planning decisions will complement the planning and management decisions of other agencies, state and local governments, and Indian tribes, with jurisdictions intermingled with and adjacent to the planning area.

6. Planning and management direction will be focused on the relative values of resources and not the combination of uses that will give the greatest economic return or economic output.

7. Where practicable and timely for the planning effort, current scientific information, research, and new technologies will be considered.

8. Reasonably Foreseeable Action or Activity (RFA) scenarios for all land and resource uses (including minerals) will be developed and portrayed based on historical, existing, and projected levels for all programs.

9. Existing endangered species recovery plans, including plans for reintroduction of endangered species and other species, will be considered. Consultation, coordination and cooperation with the Fish and Wildlife Service will be in accordance with the 2000 BLM/FWS Interagency Memorandum of Understanding regarding Section 7 Consultation. All existing biological assessments and biological opinions regarding areas within the planning area will be reviewed for adequacy and possible consolidation and update.

PLANNING CRITERIA FOR SPECIFIC RESOURCE PROGRAMS

1. **Criteria for Use of Wyoming BLM Mitigation Guidelines for Surface Disturbing** - The Wyoming BLM has developed "mitigation guidelines" for use in determining the types and levels of mitigation needed to protect important resources from actions involving surface-disturbing and other human-presence disturbance or disruptive activities. These guidelines are used in the planning/NEPA process for (1) developing management options and alternatives and analyzing their impacts ; and (2) as part of the planning criteria for developing the options and alternatives and for determining mitigation requirements. The "Wyoming BLM Mitigation Guidelines for Surface-disturbing and Disruptive Activities" contain further information on how these guidelines are used in the planning/NEPA process.

2. **Criteria for Coal Planning/Screening Process** - The coal planning/screening process (including application of the coal unsuitability criteria) under 43 CFR 3461) will not be conducted for the planning effort. Any interest in exploration for or leasing of federal coal will be handled on a case-by-case basis. If an application for a federal coal lease is received sometime in the future, an appropriate land use and environmental analysis will be conducted (which will include conducting the coal screening/planning process), to determine whether or not the federal coal areas applied for are acceptable for development and leasing consideration. The Pinedale RMP will be amended as necessary. To date, there has been no interest expressed to the BLM for leasing and development of federal coal in the planning area. It is noted that the coal occurrence potential in the planning area must still be determined because of the interest in coal bed methane development. Thus, the Notice of Intent to conduct a planning review and modification of the Pinedale RMP will include a call for any available coal and other resource information for the planning area.

3. **Criteria for Healthy Rangelands** - The Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the State of Wyoming (S&Gs) were approved by the Secretary of the Interior on August 12, 1997.

   The Secretary of the Interior approved the Wyoming BLM S&Gs to aid in achieving the four fundamentals of rangeland health outlined in the grazing regulations (43 CFR 4180.1). These four fundamentals are: (1) watersheds are functioning properly; (2) water, nutrients, and energy are cycling properly; (3) water quality meets state standards; and, (4) habitat for special status species is protected. The standards apply to all resources and land and resource uses on the public lands, while the guidelines apply specifically to livestock grazing practices. The S&Gs are used to aid in developing options and alternatives for analysis and in considering appropriate management options necessary to implement the S&Gs.

   Management objectives and actions described in each alternative addressed in the EIS would be subject to the standards for healthy rangelands. In addition, the livestock grazing management objectives and related actions for each of the alternatives would be subject to both the standards for healthy rangelands and the guidelines for livestock grazing management. Therefore, because the S&Gs are policy guidance, they are common to all alternatives. However, specific actions to implement the S&Gs may vary by alternative.

4. **Criteria for Multiple Use Considerations** - Multiple use is defined in the Federal Land Policy Management Act (FLPMA) of 1976, as the management of public lands and their various resource values so they are utilized in the combination that will best meet the present and future needs of the American people and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output. BLM policy requires that BLM-

administered public lands be managed under this multiple use concept. As appropriate, management objectives and actions described for each alternative addressed in the planning/NEPA process will consider all resources and resource uses in the planning area, (physical, biological, and socioeconomic).

5. **Criteria for Hydrocarbon Potential** - To aid in the planning review and RMP modification criteria will be developed for leasing and development of hydrocarbon-based minerals (oil and gas, and coal bed methane). Using available geologic information, reports of past production, and information from the minerals industry, areas of high, moderate, and low potential for the occurrence and development of hydrocarbons in the planning area will be identified. Estimates of reasonably foreseeable oil and gas (including coalbed methane) exploration and development activity will be developed from analysis of past activity and production. These estimates will be used to aid in the analysis of environmental consequences. Because they are general, these occurrence and development potential classifications and production estimates are appropriate for planning purposes, but they are not appropriate for, nor are they intended to predict, future specific activity or the specific locations of new discoveries.

6. **Criteria for Other Leasable Minerals** - Other leasable minerals (coal, phosphates, geothermal, etc.) will not be addressed in this planning review. There is no known development potential in the planning area for other leasable minerals.

7. **Criteria for Salable Mineral Potential** - Information on salable minerals (sand, gravel, decorative stone, et al.) occurrence potential and records of past minerals activities will be used to estimate what types and amounts of future saleable mineral development would take place in the planning area. Estimates of reasonably foreseeable mineral development will be used to aid in the analysis of environmental consequences.

8. **Criteria for Locatable Minerals Potential** - Criteria will be developed for determining the occurrence and development potential of locatable minerals such as gold, diamonds, uranium and bentonite. Areas of high, moderate, and low occurrence and development potential will be determined to facilitate analysis of the effects that the variety of other land and resource uses and management actions would have on locatable minerals development and vice versa. This will only be based on a representative analysis by inference and does not imply that there may or may not be undiscovered locatable minerals of economic value in the planning area.

9. **Criteria for Withdrawals and Classifications** - Under sections 202(d) and 204(l) of the FLPMA, any classification or withdrawal on BLM-administered public land is subject to periodic review to determine whether or not it is serving its intended purpose and is still needed. These reviews will be conducted during

the planning effort and may result in determining that some classifications and withdrawals should be modified or terminated. During the planning effort, the need for new or expanded withdrawals may also be identified. Where the need for new withdrawals is identified that overlap existing withdrawals that should be terminated, the new withdrawals will be put in place before terminating old withdrawals on the same areas.

The criteria for conducting these reviews in the course of the planning effort are presented below. For purposes of providing an adequate comparison of impacts ,for the planning effort, all existing withdrawals and classifications and their segregation effects will be assumed to continue in effect in the description of continuation of existing management direction.

10. **Withdrawals Under Other Agency Jurisdiction** - The withdrawal review requirement of the FLPMA has not yet been completed on those federal lands withdrawn for purposes of other federal agencies (i.e., those under the jurisdiction of the Department of Defense or Bureau of Reclamation). For the purposes of this planning effort, it must be assumed that these withdrawals will remain in effect, and that the planning and management authorities for these withdrawn lands will remain with those agencies. Thus, the planning effort will not include consideration of any planning or management decisions for either the federal land surface or federal minerals within these withdrawn areas. These lands will, however, be considered in conducting the environmental analysis for the planning effort in terms of cumulative impacts and in terms of how they may be affected by management in the planning area or vice versa.

11. **Withdrawals and Classifications Under BLM Jurisdiction** - The review of withdrawals and classifications on any lands under BLM jurisdiction may result in a determination that withdrawals or classifications are no longer serving their intended purposes and should be terminated (either all or in part). This review will include consideration of whether new withdrawals or classifications, for other purposes, are needed and should be put into place before terminating old withdrawals on the same areas.

12. **Criteria for Wild Horse Management** - There are no wild horses or wild horse "herd management areas" in the planning area. Historic wild horse "herd areas" will be identified and existing land use plan decisions will be revisited.

13. **Criteria for Wilderness Management** - There are two wilderness study areas (WSA–Lake Mountain and Scab Creek) on BLM-administered public lands in the planning area. These WSAs were established in accordance with the requirements of Section 603(c) of FLPMA and section 2(c) of the Wilderness Act of 1964. These WSAs will continue to be managed under the Interim Management Policy for Lands Under Wilderness Review (IMP) until Congress either designates all or portions of the WSAs as wilderness or releases the lands

from further wilderness consideration. There may be instances where resource values within WSAs will require RMP management decisions or prescriptions that are more stringent than the IMP.

While there have been no other areas with wilderness characteristics identified on public lands in the planning area, such additional lands could be identified during the planning effort (per the general provisions of Section 202 of FLPMA).

14. **Criteria for Wild and Scenic Rivers** - Any public land surface found to meet the suitability factors to be given further consideration for inclusion in the Wild and Scenic River System (being handled under separate contract) will be addressed in the RMP modification effort in terms of developing interim management options in the alternatives for the EIS (in accordance with Section 5(d) of the Wild and Scenic Rivers Act, BLM Manual 8351, and Instruction Memo WY-98-40 (see Appendix 3)). However, for purposes of providing an adequate comparison of impacts for the planning effort, the description of continuation of existing management direction (No Action Alternative) will not include any consideration of wild and scenic rivers. The only planning decision to be made in the RMP is the interim management prescription to maintain or enhance the oustandingly remarkable values and WSR classifications for those public land surface areas that meet the Wild and Scenic River suitability factors.

15. **Criteria for Areas of Critical Environmental Concern (ACEC)** - The relevance and importance criteria for ACEC designation, found in BLM Manual 1613, will be applied to BLM-administered public lands in the planning area to determine if any areas have the potential for ACEC designation. An ACEC designation alone does not change the allowed uses of the public lands involved (FLPMA-Sec.201(a) and 43 CFR 1601.0-5a). An ACEC designation is not a substitute for a WSA or wilderness suitability recommendation (BLM Manual 1613.06). Protective measures for ACECs are not applied or required simply because of the designation; rather, the nature of the values, resources, or natural hazards they contain are the bases for determining the appropriate types and levels of management needed. The only automatic requirement due to an ACEC designation is that a "plan of operations" must be submitted for any degree of mining claim development in the area (43 CFR 3809.1-4).

PLANNING CRITERIA FOR DEVELOPING ALTERNATIVES

If the Pinedale RMP is to be amended or revised, the following will be considered in one or more of the alternatives to be developed.

16. Special or other management areas and their potential management.

17. Intensive management of significant cultural, historic, and paleontological resources, including Native American respected places and trails.

18. The use of prescribed fire, chemical, and mechanical treatments to improve natural resources.

19. The reduction of hazardous fuels on BLM-administered lands near wildland interface communities that are at high risk from wildfire, such as Hoback Rim.

20. Fire suppression management options.

21. Management options for the protection and enhancement of riparian and wetland areas.

22. Management options for reducing the spread of noxious weeds.

23. Management options for the protection of habitat for threatened, endangered, sensitive, and other important wildlife and plant species.

24. Management options for protection of wild and scenic river values.

25. Various types of vegetation uses, including wildlife habitat, watershed protection, livestock grazing, etc.

26. Various levels of livestock grazing.

27. Identification of lands suitable for minerals exploration and development, off-highway vehicle use, rights-of-way construction, and other activities that may result in surface disturbance.

28. Identification of rights-of-way concentration areas, exclusion areas and avoidance areas to provide for development needs and protection of resource values.

29. Opportunities for enhancing recreation.

30. Opportunities for land exchanges that could be useful in meeting goals for resource manageability and public access.

31. Providing or improving access to public lands for reasonable levels of public use and for resource development and manageability.

32. Management of recreational use and designation of Special Recreation Management Areas.

33. Visual Resource Management (VRM) classifications will be evaluated and modified, as necessary, to reflect present conditions and future needs. Areas where specific land uses need to be modified or restricted to resolve conflicts will be identified.

34. Watersheds and watershed needs will be considered in the development of management options and alternatives for all resource and land.

35. Vegetation management objectives or objectives for desired future condition will be included in all alternatives. Mitigation of surface disturbing activities will also be considered.

PLANNING CRITERIA FOR ANALYZING ENVIRONMENTAL CONSEQUENCES

The following potential effects will be addressed:

36. Effects of opening or closing BLM-administered lands to some uses or activities.

37. Effects of resource protection measures on land and resource uses and activities.

38. Effects of surface-disturbing uses and other disruptive human activities on air quality, cultural resources, recreational opportunities, watershed, and wildlife/fish resources, including special status species.

39. Effects of land tenure adjustments, livestock grazing, and OHV use on other land and resource uses.

40. The socioeconomic effects of the alternatives in the EIS will be addressed.

41. The effects of mineral development on other resources and land uses.

42. Effects of all types of land and resource uses on the diversity of plant and animal species.

43. Effects on land and resource uses from retention or termination of existing withdrawals and classifications.

44. Effects of all types of land and resource uses on the vegetation, water, soil, and air resources.

PLANNING CRITERIA FOR SELECTING THE PREFERRED ALTERNATIVE

The following considerations will guide selection of the preferred alternative:

45. Levels of land use restrictions needed to protect resources and keep lands and resources available for public use.

46. The potential for the occurrence and development of mineral resources.

47. Consistency with the land use plans, programs, and policies of other federal agencies, state and local governments, and Indian tribes.

48. The potential for sustaining the productivity and diversity of ecosystems while providing for human values, products, and services.

49. Social and economic values.

50. Existing law, regulations, and BLM policy.

51. Public input, welfare and safety.

52. Environmental impacts.

53. Consistency with the objectives of the National Fire Plan and the 10-year Comprehensive Fire Strategy.

54. Consistency with existing conservation strategies/recovery plans for threatened, endangered, and sensitive species.

PLANNING CRITERIA FOR USING THE NATIONAL ENVIRONMENTAL POLICY ACT ENVIRONMENTAL ANALYSIS PROCEDURE TO DEVELOP LAND USE PLAN PLANNING AND MANAGEMENT DECISIONS

55. The Management Situation Analysis (MSA) procedure and documentation consist of a detailed evaluation and description of (1) the Continuation of Existing Management Direction (or "No Action") Alternative (this alternative will have a 20-year projection or analysis period); (2) the description of the affected or existing environment; and (3) the description of the impact analysis of the No Action Alternative (including the input of both informal and formal public scoping conducted to that point). The results of this analysis and scoping provide (4) the basic determination of the problems, concerns, conflicts and issues

associated with continuation of existing management direction in the planning area, upon which the remainder of the planning effort will be focused. The MSA procedure and documentation also includes (5) the planning criteria for conducting the planning effort; (6) a record data/information compiled and new data/information gathered or specifically needed for the planning effort; and (6) a record of resource management options, opportunities, and limitations to respond to and resolve the issues, concerns, etc. At this point in the process, a determination will be made on whether the RMP modification will be an amendment, or a complete revision. Regardless of that determination, the environmental analysis level for the Pinedale RMP modification will be an EIS (rather than an environmental assessment or EA).

56. Upon completion of the MSA, alternatives (i.e., alternatives to existing management direction, or alternatives to the No Action Alternative) will be developed for detailed impact analysis (as with the MSA, all alternatives will have a 20-year projection or analysis period). An alternative is a comprehensive and complete "alternative RMP" and is made up of resource and land use "management options" among the various programs of resource and land uses occurring in the planning area. In compliance with NEPA, the Council on Environmental Quality (CEQ) regulations, and the BLM planning regulations and guidance, alternatives must be reasonable and must be capable of implementation. Two basic alternative "themes" will be used to formulate the first two alternatives – one that emphasizes development and intensive management and de-emphasizes environmental protection (within the parameters of law and regulation), and one that emphasizes environmental protection and de-emphasizes development and intensive management (within the parameters of law and regulation). The basic objectives of these alternatives is to try to resolve the issues, concerns, problems and conflicts associated with the No Action Alternative; to provide an adequate range of alternatives to analyze in detail; and to provide a good basis for comparative impact analyses. A detailed analysis of each of these alternatives is conducted and documented. It is possible that other alternative themes could be identified as a result of these analyses. Other management options and alternatives that are "considered," but not analyzed in detail, are also documented, along with the reasons and rationale for not conducting a detailed analysis on them.

57. Based upon the analyses of the above alternatives, the Preferred Alternative (i.e., the BLM's preferred alternative) will then be selected and analyzed in detail. Usually, none of the above alternatives can, individually, represent the BLM's preferred alternative and another alternative is formulated as the Preferred Alternative. The Preferred Alternative is usually made up of a combination of management options from the other alternatives that provide the best mix and balance of multiple land and resource uses to resolve the issues with existing management in the planning area, based on the Planning Criteria for selection of the Preferred Alternative.

58. The draft EIS for the RMP will then be prepared. The descriptions of all the alternative RMPs analyzed in detail (including the Preferred Alternative) make up Chapter 2 of the EIS. The description of the affected or existing environment is Chapter 3 of the EIS, and the descriptions of the environmental consequences of the alternatives is Chapter 4 of the EIS. Chapter 1 is an introductory chapter describing the planning issues and planning criteria, and Chapter 5 is a description of the public involvement and coordination occurring to this point in the planning process.

59. Following the public review and comment period on the draft EIS, the final EIS will be prepared. The final EIS will be a complete, stand-alone document (not an abbreviated document). The final EIS has the same basic outline and content as the draft EIS. The primary difference between the draft and final EISs is that the focus of the final EIS is on the "Proposed RMP Decisions or Proposed RMP Modification," which is included in Chapter 2 of the final EIS. Based upon public comment, any new information and correction of errors in the draft EIS, the final EIS will present the Proposed RMP Decisions or Proposed RMP Modification (which is usually a refinement or modification of the Preferred Alternative in the draft EIS), along with the other alternatives.

60. Following a concurrent 60-day Governor's consistency review and a 30-day protest period on the Proposed RMP and final EIS, any protests submitted will be resolved and both the Record of Decision (ROD) for the EIS and the Approved RMP Decisions, or RMP Modification, will be prepared in one document and issued to the public.

APPENDIX C

STANDARD PRACTICES APPLIED TO SURFACE-DISTURBING

Activities

The following are general standard operating procedures applied to surface-disturbing activities. These measures are applied, when necessary, to reduce environmental impacts. Some projects may require construction use plans and (or) erosion control revegetation and restoration plans (ERRP).

Roads

Recognized roads, as shown on the Rock Springs District Office Transportation Plan, will be used when the alignment is acceptable for the proposed use.

Generally, roads will be required to follow natural contours; be constructed in accordance with standards as described in BLM Road Standards and BLM Manual

section 9113; and be reclaimed to BLM standards.

To control or reduce sediment from roads, guidance involving proper road placement and buffer strips to stream channels, graveling, proper drainage, seasonal closure, and in some cases, redesign or closure of old roads will be developed when necessary. Construction may also be prohibited during periods when soil material is saturated, frozen, or when watershed damage is likely to occur.

On newly constructed roads and permanent roads, the placement of topsoil, seeding, and stabilization will be required on all cut and fill slopes (unless conditions prohibit this (e.g., rock). No unnecessary side-casting of material (e.g., maintenance) on steep slopes will be allowed. Snow removal plans may be required while a road is used for access so that snow removal does not adversely affect reclamation efforts or resources adjacent to the road.

Reclamation of abandoned roads will include requirements for reshaping, recontouring, resurfacing with topsoil, installation of water bars, and drill seeding on the contour. The removal of structures such as bridges, culverts, cattleguards, and signs usually will be required. Stripped vegetation will be spread over the disturbance for nutrient recycling, where practical. Fertilization or fencing of these disturbances will not normally be required. Additional erosion control measures (e.g., fiber matting) and road barriers to discourage travel may be required.

Road closures may be implemented during crucial periods (e.g., wildlife winter periods, spring runoff, and calving and fawning seasons).

Well Pads and Facilities

Abandoned sites must be satisfactorily rehabilitated by the lessee in accordance with a plan approved by BLM.

On well pads and larger locations, special attention will be given to sections of the surface use plan covering reclamation. This plan will include objectives for successful reclamation including: soil stabilization, plant community composition, and desired vegetation density and diversity.

No surface disturbance is allowed on slopes in excess of 25 percent unless erosion controls can be ensured and adequate revegetation is expected. Detailed engineering proposals and revegetation and restoration plans will be required in these areas.

On producing locations, operators will be required to reduce slopes to original contours (not to exceed 3:1 slopes). Terraces or elongated water breaks (erosion control measures) will be required after slope reduction. Facilities will be required to approach zero runoff from the location until the area is stabilized (to avoid contamination and water quality degradation downstream). All unused portions of facilities or producing well locations will be resurfaced with topsoil and seeded with soil stabilizing species. Mulching, erosion control measures, and fertilization may be required to achieve acceptable stabilization.

Abandoned locations will be required to be recontoured to conform to the surrounding terrain. Construction of erosion and runoff control measures and placement of topsoil will be required after recontouring.

The collection and analysis of soil samples from disturbed areas may be required to determine reclamation potential, appropriate seed mixtures, and nutrient deficiencies. This will be the responsibility of the grantee or lessee. Testing (as determined by BLM) may include: pH, mechanical analysis, or salt, nitrogen, phosphorus, and(or) potassium content.

Fertilization may be required if there is evidence of a nutrient deficiency. If needed to produce adequate germination and growth, the topsoil and selected seed species would be inoculated with soil microorganisms. The site will be drill seeded or broadcast (if slopes exceed 30 percent or contain 35 percent surface rock content). Mulching and fencing (unless deemed unnecessary due to low grazing pressure) will be required. Fences will be required to remain until reclamation is successful.

Snow fences, placed to increase snowfall depth over a reclaimed area, and reshaping to create shallow depressions (to catch surface runoff) may be required in areas receiving 10 inches or less of annual precipitation.

No sour gas lines will be located closer than one mile to a populated area or sensitive receptor. The applicants must use the best available engineering design (e.g., alignment, block valve type and spacing, pipe grade), best construction techniques (e.g., surveillance, warning signs) as approved by the Authorized Officer to minimize both the probability of rupture and radius of exposure in the event of an accidental pipeline release of sour gas. A variance from the one-mile distance may be granted by the Authorized Officer based on detailed site-specific analysis that would consider meteorology, topography, and special pipeline design and(or) construction measures. This analysis would ensure that populated areas and sensitive receptors would not be exposed to an increased level of risk.

Pipelines and Communication Lines

Existing crowned and ditched roads will be used for access where possible to minimize surface disturbances.

Where possible, clearing of pipeline and communication line rights-of-way will be accomplished with the least degree of disturbance to topsoil. Where topsoil removal is necessary, it will be stockpiled (wind-rowed) and respread over the disturbance after construction and backfilling are completed. Vegetation removed from the right-of-way will also be required to be respread to provide protection, nutrient recycling, and a natural seed source.

To promote soil stability, the compaction of backfill will be required (not to extend above the original ground level after the fill has settled). Water bars, mulching, and terracing will be required, as needed, to minimize erosion. Instream protection structures (e.g., drop structures) may be required in drainages crossed by a pipeline to prevent erosion.

The fencing of linear disturbances near livestock watering areas (distance determined on site-specific basis) may be required.

If linear facilities follow the same right-of-way for all or part of the route, they will generally be required to be constructed so that only one reclamation effort is required. Generally, they will be required to be constructed either concurrently or during the same field season.

Air Quality Protection Measures

As projects are planned that include possible major sources of air pollutant emissions, special air quality protection related stipulations are added to BLM permits and rights-of-way grants. In addition, the BLM coordinates with the Wyoming Department of Environmental Quality/Air Quality Division (WDEQ/AQD) during the process of analysis that may lead to the issuance of permits to construct emission sources. This coordination often results in the technical review of applications for permits and(or) identification of additional stipulations to be applied to these permits.

The release of hazardous air contaminants, particularly the emissions from sour natural gas sweetening plants (a process used to remove H2S from natural gas resulting in the

emission of sulfur dioxide), is a public concern. BLM requires industry to prepare detailed analyses of risks involved with the development of sour gas pipelines and treatment facilities. These analyses are designed to project impacts both to the public and to resource values. Plant siting will be scrutinized to provide for public safety and to ensure that only areas with the least potential for the transport of pollutants to the wilderness are considered. To aid in achieving these goals, BLM will consult with the State of Wyoming, the U.S. Forest Service, industry, and the public to ensure that the most technically sound, environmentally balanced, and economically feasible decisions are made.

Reclamation

The objectives for reclamation efforts emphasize: 1) stabilization through establishment of ground cover; 2) establishment of vegetation consistent with land use planning; and 3) reduction of visual contrast.

Reclamation will be required on all disturbed areas. On roads left intact for access purposes, the stabilization of all disturbed area except the running surface will be required.

Only areas needed for construction will be allowed to be disturbed. Reclamation (by the lessee or grant holder) will be initiated as soon as possible after a disturbance occurs. Continued efforts will be required until satisfactory vegetation cover is established and the site is stabilized.

Topsoil

Before a surface disturbing activity is authorized, the BLM will determine total topsoil depth. The amount of topsoil to be removed, along with topsoil placement areas, will be specified in the authorization. The uniform distribution of topsoil over the area to be reclaimed will be required, unless conditions warrant a varying depth. On large surface-disturbing projects (e.g., gas processing plants) topsoil will be stockpiled, mulched, and seeded to reduce erosion. Where feasible, topsoil stockpiles will be required to be designed to maximize surface area to reduce impacts to soil microorganisms. Areas used

for spoil storage will be required to be stripped of topsoil before spoil placement. The replacement of topsoil after spoil removal will be required.

Temporary disturbances which do not require major excavation (e.g., pipelines and communication lines) may be stripped of vegetation to ground level using mechanical treatment, leaving topsoil intact and root mass relatively undisturbed.

Seeding

Only plant species adaptable to local soil and climatic conditions will be utilized in revegetation efforts. On all areas to be reclaimed, seed mixtures will be required to be site-specific and will be required to include species promoting soil stability. Livestock palatability and wildlife habitat needs will be given consideration in seed mix formulation. Interseeding, secondary seeding, or staggered seeding may be required to accomplish revegetation objectives. A friable, but firm seed bed will be required prior to seeding. Drill seeding will be required unless conditions indicate that broadcast seeding is necessary (e.g., greater than 30 percent slope or greater than 35 percent rock content). During rehabilitation of areas in important wildlife habitat, provision will be made for the establishment of native browse and forb species, if determined to be beneficial for the habitat affected.

Follow-up seeding or corrective erosion control measures may be required on areas of surface disturbance which experience reclamation failure.

Treatments

Trees, shrubs, and ground cover (not to be cleared from rights-of-way) will require protection from construction damage. Backfilling to preconstruction condition (in a similar sequence and density) will be required. The restoration of normal surface drainage will also be required.

Any mulch used will be free from mold, fungi, or noxious weed seeds. Mulch may include native hay, small grain straw, wood fiber, live mulch, cotton, jute, synthetic netting, and rock. Straw mulch should contain fibers long enough to facilitate crimping and provide the greatest cover.

The grantee or lessee will be responsible for the control of all noxious weed infestations on surface disturbances. Control measures will adhere to those allowed in the Rock Springs District Noxious Weed Control EA (USDI 1982a) or the Regional Northwest Area Noxious Weed Control Program EIS (USDI 1987).

APPENDIX D

STANDARDS FOR HEALTHY PUBLIC RANGELANDS

Standard #1

Within the potential of the ecological site (soil type, landform, climate, and geology), soils are stable and allow for water infiltration to provide for optimal plant growth and minimal surface runoff.

THIS MEANS THAT: The hydrologic cycle will be supported by providing for water capture, storage, and sustained release. Adequate energy flow and nutrient cycling through the system will be achieved as optimal plant growth occurs. Plant communities are highly varied within Wyoming.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

Water infiltration rates;

Soil compaction;

Erosion (rills, gullies, pedestals, capping);

Soil micro-organisms;

Vegetative cover (gully bottoms and slopes); and

Bare ground and litter.

The above indicators are applied as appropriate to the potential of the ecological site.

Standard #2

Riparian and wetland vegetation has structural, age, and species diversity characteristic of the stage of channel succession and is resilient and capable of recovering from natural and human disturbance in order to provide forage and cover, capture sediment, dissipate energy, and provide for ground water recharge.

THIS MEANS THAT: Wyoming has highly varied riparian and wetland systems on public lands. These systems vary from large rivers to small streams and from springs to

large wet meadows. These systems are in various stages of natural cycles and may also reflect other disturbance that is either localized or widespread throughout the watershed. Riparian vegetation captures sediments and associated materials, thus enhancing the nutrient cycle by capturing and utilizing nutrients that would otherwise move through a system unused.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

Erosion and deposition rate;

Channel morphology and flood plain function;

Channel succession and erosion cycle;

Vegetative cover;

Plant composition and diversity (species, age class, structure, successional stages, desired plant community, etc.);

Bank stability;

Woody debris and instream cover; and

Bare ground and litter.

The above indicators are applied as appropriate to the potential of the ecological site.

Standard #3

Introduction

According to the Department of the Interior's final rule for grazing administration, effective August 21, 1995, the Wyoming Bureau of Land Management (BLM) State Director is responsible for the development of standards for healthy rangelands and guidelines for livestock grazing management on 18 million acres of Wyoming's public rangelands. The development and application of these standards and guidelines are to achieve the four fundamentals of rangeland health outlined in the grazing regulations (43 CFR 4180.1). Those four fundamentals are: (1) watersheds are functioning properly; (2)

water, nutrients, and energy are cycling properly; (3) water quality meets State standards; and (4) habitat for special status species is protected.

Standards address the health, productivity, and sustainability of the BLM-administered public rangelands and represent the minimum acceptable conditions for the public rangelands. The standards apply to all resource uses on public lands. Their application will be determined as use-specific guidelines are developed. Standards are synonymous with goals and are observed on a landscape scale. They describe healthy rangelands rather than important rangeland by-products. The achievement of a standard is determined by observing, measuring, and monitoring appropriate indicators. An indicator is a component of a system whose characteristics (for example, presence, absence, quantity, and distribution) can be observed, measured, or monitored based on sound scientific principles.

Guidelines provide for, and guide the development and implementation of, reasonable, responsible, and cost-effective management practices at the grazing allotment and watershed level. The guidelines in this document apply specifically to livestock grazing management practices on the BLM administered public lands. These management practices will either maintain existing desirable conditions or move rangelands toward statewide standards within reasonable timeframes. Appropriate guidelines will ensure that the resultant management practices reflect the potential for the watershed, consider other uses and natural influences, and balance resource goals with social, cultural/historic, and economic opportunities to sustain viable local communities. Guidelines, like standards, apply statewide.

Implementation of the Wyoming standards and guidelines will generally be done in the following manner: Grazing allotments or groups of allotments in a watershed will be reviewed based on the BLM's current allotment categorization and prioritization process. Allotments with existing management plans and high-priority allotments will be reviewed first. Lower priority allotments will be reviewed as time allows or when it becomes necessary for BLM to review the permit/lease for other reasons such as permit/lease transfers, permittee/lessee requests for change in use, etc. The permittees and interested publics will be notified when allotments are scheduled for review and encouraged to

participate in the review. The review will first determine if an allotment meets each of the six standards. If it does, no further action will be necessary. If any of the standards aren't being met, then rationale explaining the contributing factors will be prepared. If livestock grazing practices are found to be among the contributing factors, corrective actions consistent with the guidelines will be developed and implemented before the next grazing season in accordance with 43 CFR 4180. If a lack of data prohibits the reviewers from determining if a standard is being met, then a strategy will be developed to acquire the data in a timely manner.

On a continuing basis, the Standards for Healthy Rangelands will direct on-the-ground management on the public lands. They will serve to focus the on-going development and implementation of activity plans toward the maintenance or the attainment of healthy rangelands.

Quantifiable resource objectives and specific management practices to maintain or achieve the standards will be developed at the local BLM District and Resource Area levels and will consider all reasonable and practical options available to achieve desired results on a watershed or grazing allotment scale. The objectives shall be reflected in site-specific activity or implementation plans as well as in livestock grazing permits/leases for the public lands. These objectives and practices may be developed formally or informally through mechanisms available and suited to local needs (such as Coordinated Resource Management (CRM) efforts).

The development and implementation of standards and guidelines will enable on-the-ground management of the public rangelands to maintain a clear and responsible focus on both the health of the land and its dependent natural and human communities. This development and implementation will ensure that any mechanisms currently being employed or that may be developed in the future will maintain a consistent focus on these essential concerns. This development and implementation will also enable immediate attention to be brought to bear on existing resource concerns.

These standards and guidelines are compatible with BLM's three-tiered land use planning process. The first tier includes the laws, regulations, and policies governing BLM's

administration and management of the public lands and their uses. The previously mentioned fundamentals of rangeland health specified in 43 CFR 4180.1,

the requirement for BLM to develop these State (or regional) standards and guidelines, and the standards and guidelines themselves, are part of this first tier. Also part of this first tier are the specific requirements of various Federal laws and the objectives of 43 CFR 4100.2 that require BLM to consider the social and economic well-being of the local communities in its management process.

These standards and guidelines will provide for statewide consistency and guidance in the preparation, amendment, and maintenance of BLM land use plans, which represent the second tier of the planning process. The BLM land use plans provide general allocation decisions concerning the kinds of resource and land uses that can occur on the BLM-administered public lands, where they can occur, and the types of conditional requirements under which they can occur. In general, the standards will be the basis for development of planning area-specific management objectives concerning rangeland health and productivity, and the guidelines will direct development of livestock grazing management actions to help accomplish those objectives.

The third tier of the BLM planning process, activity or implementation planning, is directed by the applicable land use plan and, therefore, by the standards and guidelines. The standards and guidelines, as BLM statewide policy, will also directly guide development of the site-specific objectives and the methods and practices used to implement the land use plan decisions. Activity or implementation plans contain objectives which describe the site-specific conditions desired. Grazing permits/leases for the public lands contain terms and conditions which describe specific actions required to attain or maintain the desired conditions. Through monitoring and evaluation, the BLM, grazing permittees, and other interested parties determine if progress is being made to achieve activity plan objectives.

Wyoming rangelands support a variety of uses which are of significant economic importance to the State and its communities. These uses include oil and gas production, mining, recreation and tourism, fishing, hunting, wildlife viewing, and livestock grazing.

Rangelands also provide amenities which contribute to the quality of life in Wyoming such as open spaces, solitude, and opportunities for personal renewal. Wyoming's rangelands should be managed with consideration of the State's historical, cultural, and social development and in a manner which contributes to a diverse, balanced, competitive, and resilient economy in order to provide opportunity for economic development. Healthy rangelands can best sustain these uses.

To varying degrees, BLM management of the public lands and resources plays a role in the social and economic well-being of Wyoming communities. The National Environmental Policy Act (part of the above-mentioned first planning tier) and various other laws and regulations mandate the BLM to analyze the socioeconomic impacts of actions occurring on public rangelands. These analyses occur during the environmental analysis process of land use planning (second planning tier), where resource allocations are made, and during the environmental analysis process of activity or implementation planning (third planning tier). In many situations, factors that affect the social and economic well-being of local communities extend far beyond the scope of BLM management or individual public land users' responsibilities.

In addition, since standards relate primarily to physical and biological features of the landscape, it is very difficult to provide measurable socioeconomic indicators that relate to the health of rangelands. It is important that standards be realistic and within the control of the land manager and users to achieve.

Standards for Healthy Public Rangelands

Standard #1

Within the potential of the ecological site (soil type, landform, climate, and geology), soils are stable and allow for water infiltration to provide for optimal plant growth and minimal surface runoff.

THIS MEANS THAT: The hydrologic cycle will be supported by providing for water capture, storage, and sustained release. Adequate energy flow and nutrient cycling through the system will be achieved as optimal plant growth occurs. Plant communities are highly varied within Wyoming.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

Water infiltration rates;

Soil compaction;

Erosion (rills, gullies, pedestals, capping);

Soil micro-organisms;

Vegetative cover (gully bottoms and slopes); and

Bare ground and litter.

The above indicators are applied as appropriate to the potential of the ecological site.

Standard #2

Riparian and wetland vegetation has structural, age, and species diversity characteristic of the stage of channel succession and is resilient and capable of recovering from natural and human disturbance in order to provide forage and cover, capture sediment, dissipate energy, and provide for ground water recharge.

THIS MEANS THAT: Wyoming has highly varied riparian and wetland systems on public lands. These systems vary from large rivers to small streams and from springs to large wet meadows. These systems are in various stages of natural cycles and may also reflect other disturbance that is either localized or widespread throughout the watershed. Riparian vegetation captures sediments and associated materials, thus enhancing the nutrient cycle by capturing and utilizing nutrients that would otherwise move through a system unused.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

Erosion and deposition rate;

Channel morphology and flood plain function;

Channel succession and erosion cycle;

Vegetative cover;

Plant composition and diversity (species, age class, structure, successional stages, desired plant community, etc.);

Bank stability;

Woody debris and instream cover; and

Bare ground and litter.

The above indicators are applied as appropriate to the potential of the ecological site.

Standard #3

Upland vegetation on each ecological site consists of plant communities appropriate to the site which are resilient, diverse, and able to recover from natural and human disturbance.

THIS MEANS THAT: In order to maintain desirable conditions and/or recover from disturbance within acceptable timeframes, plant communities must have the components present to support the nutrient cycle and adequate energy flow. Plants depend on nutrients in the soil and energy derived from sunlight. Nutrients stored in the soil are used over and over by plants, animals, and micro organisms. The amount of nutrients available and the speed with which they cycle among plants, animals, and the soil are fundamental components of rangeland health. The amount, timing, and distribution of energy captured through photosynthesis are fundamental to the function of rangeland ecosystems.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

Vegetative cover;

Plant composition and diversity (species, age class, structure, successional stages, desired plant community, etc.);

Bare ground and litter;

Erosion (rills, gullies, pedestals, capping); and

Water infiltration rates.

The above indicators are applied as appropriate to the potential of the ecological site.

Standard #4

Rangelands are capable of sustaining viable populations and a diversity of native plant and animal species appropriate to the habitat. Habitats that support or could support threatened species, endangered species, species of special concern, or sensitive species will be maintained or enhanced.

THIS MEANS THAT: The management of Wyoming rangelands will achieve or maintain adequate habitat conditions that support diverse plant and animal species. These may include listed threatened or endangered species (U.S. Fish and Wildlife-designated), species of special concern (BLM-designated), and other sensitive species (State of Wyoming-designated). The intent of this standard is to allow the listed species to recover and be delisted, and to avoid or prevent additional species becoming listed.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

Noxious weeds;

Species diversity;

Age class distribution;

All indicators associated with the upland and riparian standards;

Population trends; and

Habitat fragmentation.

The above indicators are applied as appropriate to the potential of the ecological site.

Standard #5

Water quality meets State standards.

THIS MEANS THAT: The State of Wyoming is authorized to administer the Clean Water Act. BLM management actions or use authorizations will comply with all Federal and State water quality laws, rules and regulations to address water quality issues that

originate on public lands. Provisions for the establishment of water quality standards are included in the Clean Water Act, as amended, and the Wyoming Environmental Quality Act, as amended. Regulations are found in Part 40 of the Code of Federal Regulations and in Wyoming's Water Quality Rules and Regulations. The latter regulations contain Quality Standards for Wyoming Surface Waters.

Natural processes and human actions influence the chemical, physical, and biological characteristics of water. Water quality varies from place to place with the seasons, the climate, and the kind substrate through which water moves. Therefore, the assessment of water quality takes these factors into account.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

Chemical characteristics (for example, pH, conductivity, dissolved oxygen);

Physical characteristics (for example, sediment, temperature, color); and

Biological characteristics (for example, macro- and micro-invertebrates, fecal coliform, and plant and animal species).

Standard #6

Air quality meets State standards.

THIS MEANS THAT: The State of Wyoming is authorized to administer the Clean Air Act. BLM management actions or use authorizations will comply with all Federal and State air quality laws, rules, regulations and standards. Provisions for the establishment of air quality standards are included in the Clean Air Act, as amended, and the Wyoming Environmental Quality Act, as amended. Regulations are found in Part 40 of the Code of Federal Regulations and in Wyoming Air Quality Standards and Regulations.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

Particulate matter;

Sulfur dioxide;

Photochemical oxidants (ozone);

Volatile organic compounds (hydrocarbons);

Nitrogen oxides;

Carbon monoxide;

Odors; and

Visibility.

BLM Wyoming Guidelines for Livestock Grazing Management

1. Timing, duration, and levels of authorized grazing will ensure that adequate amounts of vegetative ground cover, including standing plant material and litter, remain after authorized use to support infiltration, maintain soil moisture storage, stabilize soils, allow the release of sufficient water to maintain system function, and to maintain subsurface soil conditions that support permeability rates and other processes appropriate to the site.

2. Grazing management practices will restore, maintain, or improve riparian plant communities. Grazing management strategies consider hydrology, physical attributes, and potential for the watershed and the ecological site. Grazing management will maintain adequate residual plant cover to provide for plant recovery, residual forage, sediment capture, energy dissipation, and ground water recharge.

3. Range improvement practices (instream structures, fences, water troughs, etc.) in and adjacent to riparian areas will ensure that stream channel morphology (for example, gradient, width/depth ratio, channel roughness and sinuosity) and functions appropriate to climate and landform are maintained or enhanced. The development of springs, seeps, or other projects affecting water and associated resources shall be designed to protect the ecological and hydrological functions, wildlife habitat, and significant cultural, historical, and archaeological values associated with the water source. Range improvements will be located away from riparian areas if they conflict with achieving or maintaining riparian function.

4. Grazing practices that consider the biotic communities as more than just a forage base will be designed in order to ensure that the appropriate kinds and amounts of soil

organisms, plants, and animals to support the hydrologic cycle, nutrient cycle, and energy flow are maintained or enhanced.

5. Continuous season-long or other grazing management practices that hinder the completion of plants' life-sustaining reproductive and/or nutrient cycling processes will be modified to ensure adequate periods of rest at the appropriate times. The rest periods will provide for seedling establishment or other necessary processes at levels sufficient to move the ecological site condition toward the resource objective and subsequent achievement of the standard.

6. Grazing management practices and range improvements will adequately protect vegetative cover and physical conditions and maintain, restore, or enhance water quality to meet resource objectives. The effects of new range improvements (water developments, fences, etc.) on the health and function of rangelands will be carefully considered prior to their implementation.

7. Grazing management practices will incorporate the kinds and amounts of use that will restore, maintain, or enhance habitats to assist in the recovery of Federal threatened and endangered species or the conservation of federally-listed species of concern and other State-designated special status species. Grazing management practices will maintain existing habitat or facilitate vegetation change toward desired habitats. Grazing management will consider threatened and endangered species and their habitats.

8. Grazing management practices and range improvements will be designed to maintain or promote the physical and biological conditions necessary to sustain native animal populations and plant communities. This will involve emphasizing native plant species in the support of ecological function and incorporating the use of non-native species only in those situations in which native plant species are not available in sufficient quantities or are incapable of maintaining or achieving properly functioning conditions and biological health.

9. Grazing management practices on uplands will maintain desired plant communities or facilitate change toward desired plant communities.

Definitions

Activity Plans: Allotment Management Plans (AMPs), Habitat Management Plans (HMPs), Watershed Management Plans (WMPs), Wild Horse Management

Plans (WHMPs), and other plans developed at the local level to address specific concerns and accomplish specific objectives.

Coordinated Resource Management (CRM): A group of people working together to develop common resource goals and resolve natural resource concerns.

CRM is a people process that strives for win-win situations through consensus-based decisionmaking.

Desired Plant Community: A plant community which produces the kind, proportion, and amount of vegetation necessary for meeting or exceeding the land use plan/activity plan objectives established for an ecological site(s). The desired plant community must be consistent with the site's capability to produce the desired vegetation through management, land treatment, or a combination of the two.

Ecological Site: An area of land with specific physical characteristics that differs from other areas both in its ability to produce distinctive kinds and amounts of vegetation and in its response to management.

Erosion: (v.) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity. (n.) The land surface worn away by running water, wind, ice, or other geological agents, including such processes as gravitational creep.

Grazing Management Practices: Grazing management practices include such things as grazing systems (rest-rotation, deferred rotation, etc.), timing and duration of grazing, herding, salting, etc. They do not include physical range improvements.

Guidelines (For Grazing Management): Guidelines provide for, and guide the development and implementation of, reasonable, responsible, and cost-effective management actions at the allotment and watershed level which move rangelands toward statewide standards or maintain existing desirable conditions. Appropriate guidelines will

ensure that the resultant management actions reflect the potential for the watershed, consider other uses and natural influences, and balance resource goals with social, cultural/historic, and economic opportunities to sustain viable local ommunities. Guidelines, and therefore, the management actions they engender, are based on sound science, past and present management experience, and public input.

Indicator: An indicator is a component of a system whose characteristics (for example, presence, absence, quantity, and distribution) can be observed, measured, or monitored based on sound scientific principles. An indicator can be evaluated at a site- or species-specific level. Monitoring of an indicator must be able to show change within timeframes acceptable to management and be capable of showing how the health of the ecosystem is changing in response to specific management actions. Selection of the appropriate indicators to be observed, measured, or monitored in a particular allotment is a critical aspect of early communication among the interests involved on-the-ground. The most useful indicators are those for which change or trend can be easily quantified and for which agreement as to the significance of the indicator is broad based.

Litter: The uppermost layer of organic debris on the soil surface, essentially the freshly fallen or slightly decomposed vegetal material.

Management Actions: Management actions are the specific actions prescribed by the BLM to achieve resource objectives, land use allocations, or other program or multiple use goals. Management actions include both grazing management practices and range improvements.

Objective: An objective is a site-specific statement of a desired rangeland condition. It may contain either or both qualitative elements and quantitative elements.

Objectives frequently speak to change. They are the focus of monitoring and evaluation activities at the local level. Monitoring of the indicators would show negative changes or positive changes. Objectives should focus on indicators of greatest interest for the area in question.

Range Improvements: Range improvements include such things as corrals, fences, water developments (reservoirs, spring developments, pipelines, wells, etc.) and land treatments (prescribed fire, herbicide treatments, mechanical treatments, etc.).

Rangeland: Land on which the native vegetation (climax or natural potential) is predominantly grasses, grass-like plants, forbs, or shrubs. This includes lands revegetated naturally or artificially when routine management of that vegetation is accomplished mainly through manipulation of grazing. Rangelands include natural grasslands, savannas, shrublands, most deserts, tundra, alpine communities, coastal marshes, and wet meadows.

Rangeland Health: The degree to which the integrity of the soil and ecological processes of rangeland ecosystems are sustained.

Riparian: An area of land directly influenced by permanent water. It has visible vegetation or physical characteristics reflective of permanent water influence.

Lakeshores and streambanks are typical riparian areas. Excluded are such sites as ephemeral streams or washes that do not have vegetation dependent on free water in the soil.

Standards: Standards are synonymous with goals and are observed on a landscape scale. Standards apply to rangeland health and not to the important by-products of healthy rangelands. Standards relate to the current capability or realistic potential of a specific site to produce these by-products, not to the presence or absence of the products themselves. It is the sustainability of the processes, or rangeland health, that produces these by-products.

Terms and Conditions: Terms and conditions are very specific land use requirements that are made a part of the land use authorization in order to assure maintenance or attainment of the standard. Terms and conditions may incorporate or reference the appropriate portions of activity plans (for example, Allotment Management Plans). In other words, where an activity plan exists that contains objectives focused on meeting the standards, compliance with the plan may be the only term and condition necessary in that allotment.

Upland: Those portions of the landscape which do not receive additional moisture for plant growth from run-off, streamflow, etc. Typically these are hills, ridgetops, valley slopes, and rolling plains.

Upland vegetation on each ecological site consists of plant communities appropriate to the site which are resilient, diverse, and able to recover from natural and human disturbance.

THIS MEANS THAT: In order to maintain desirable conditions and/or recover from disturbance within acceptable timeframes, plant communities must have the components present to support the nutrient cycle and adequate energy flow. Plants depend on nutrients in the soil and energy derived from sunlight. Nutrients stored in the soil are used over and over by plants, animals, and micro organisms. The amount of nutrients available and the speed with which they cycle among plants, animals, and the soil are fundamental components of rangeland health. The amount, timing, and distribution of energy captured through photosynthesis are fundamental to the function of rangeland ecosystems.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

Vegetative cover;

Plant composition and diversity (species, age class, structure, successional stages, desired plant community, etc.);

Bare ground and litter;

Erosion (rills, gullies, pedestals, capping); and

Water infiltration rates.

The above indicators are applied as appropriate to the potential of the ecological site.

Standard #4

Rangelands are capable of sustaining viable populations and a diversity of native plant and animal species appropriate to the habitat. Habitats that support or could support threatened species, endangered species, species of special concern, or sensitive species will be maintained or enhanced.

THIS MEANS THAT: The management of Wyoming rangelands will achieve or maintain adequate habitat conditions that support diverse plant and animal species.

These may include listed threatened or endangered species (U.S. Fish and Wildlife-designated), species of special concern (BLM-designated), and other sensitive species (State of Wyoming-designated). The intent of this standard is to allow the listed species to recover and be delisted, and to avoid or prevent additional species becoming listed.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

Noxious weeds;

Species diversity;

Age class distribution;

All indicators associated with the upland and riparian standards;

Population trends; and

Habitat fragmentation.

The above indicators are applied as appropriate to the potential of the ecological site.

Standard #5

Water quality meets State standards.

THIS MEANS THAT: The State of Wyoming is authorized to administer the Clean Water Act. BLM management actions or use authorizations will comply with all Federal and State water quality laws, rules and regulations to address water quality issues that originate on public lands. Provisions for the establishment of water quality standards are included in the Clean Water Act, as amended, and the Wyoming Environmental Quality Act, as amended. Regulations are found in Part 40 of the Code of Federal Regulations and in Wyoming's Water Quality Rules and Regulations. The latter regulations contain Quality Standards for Wyoming Surface Waters.

Natural processes and human actions influence the chemical, physical, and biological characteristics of water. Water quality varies from place to place with the seasons, the

climate, and the kind substrate through which water moves. Therefore, the assessment of water quality takes these factors into account.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

Chemical characteristics (for example, pH, conductivity, dissolved oxygen);

Physical characteristics (for example, sediment, temperature, color); and

Biological characteristics (for example, macro- and micro-invertebrates, fecal coliform, and plant and animal species).

Standard #6

Air quality meets State standards.

THIS MEANS THAT: The State of Wyoming is authorized to administer the Clean Air Act. BLM management actions or use authorizations will comply with all Federal and State air quality laws, rules, regulations and standards. Provisions for the establishment of air quality standards are included in the Clean Air Act, as amended, and the Wyoming Environmental Quality Act, as amended. Regulations are found in Part 40 of the Code of Federal Regulations and in Wyoming Air Quality Standards and Regulations.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

Particulate matter;

Sulfur dioxide;

Photochemical oxidants (ozone);

Volatile organic compounds (hydrocarbons);

Nitrogen oxides;

Carbon monoxide;

Odors; and

Visibility.

BLM Wyoming Guidelines for Livestock Grazing Management

1. Timing, duration, and levels of authorized grazing will ensure that adequate amounts of vegetative ground cover, including standing plant material and litter, remain after authorized use to support infiltration, maintain soil moisture storage, stabilize soils, allow the release of sufficient water to maintain system function, and to maintain subsurface soil conditions that support permeability rates and other processes appropriate to the site.

2. Grazing management practices will restore, maintain, or improve riparian plant communities. Grazing management strategies consider hydrology, physical attributes, and potential for the watershed and the ecological site. Grazing management will maintain adequate residual plant cover to provide for plant recovery, residual forage, sediment capture, energy dissipation, and ground water recharge.

3. Range improvement practices (instream structures, fences, water troughs, etc.) in and adjacent to riparian areas will ensure that stream channel morphology (for example, gradient, width/depth ratio, channel roughness and sinuosity) and functions appropriate to climate and landform are maintained or enhanced. The development of springs, seeps, or other projects affecting water and associated resources shall be designed to protect the ecological and hydrological functions, wildlife habitat, and significant cultural, historical, and archaeological values associated with the water source. Range improvements will be located away from riparian areas if they conflict with achieving or maintaining riparian function.

4. Grazing practices that consider the biotic communities as more than just a forage base will be designed in order to ensure that the appropriate kinds and amounts of soil organisms, plants, and animals to support the hydrologic cycle, nutrient cycle, and energy flow are maintained or enhanced.

5. Continuous season-long or other grazing management practices that hinder the completion of plants' life-sustaining reproductive and/or nutrient cycling processes will be modified to ensure adequate periods of rest at the appropriate times. The rest periods will provide for seedling establishment or other necessary processes at levels sufficient to

move the ecological site condition toward the resource objective and subsequent achievement of the standard.

6. Grazing management practices and range improvements will adequately protect vegetative cover and physical conditions and maintain, restore, or enhance water quality to meet resource objectives. The effects of new range improvements (water developments, fences, etc.) on the health and function of rangelands will be carefully considered prior to their implementation.

7. Grazing management practices will incorporate the kinds and amounts of use that will restore, maintain, or enhance habitats to assist in the recovery of Federal threatened and endangered species or the conservation of federally-listed species of concern and other State-designated special status species. Grazing management practices will maintain existing habitat or facilitate vegetation change toward desired habitats. Grazing management will consider threatened and endangered species and their habitats.

8. Grazing management practices and range improvements will be designed to maintain or promote the physical and biological conditions necessary to sustain native animal populations and plant communities. This will involve emphasizing native plant species in the support of ecological function and incorporating the use of non-native species only in those situations in which native plant species are not available in sufficient quantities or are incapable of maintaining or achieving properly functioning conditions and biological health.

9. Grazing management practices on uplands will maintain desired plant communities or facilitate change toward desired plant communities.

Definitions

Activity Plans: Allotment Management Plans (AMPs), Habitat Management Plans (HMPs), Watershed Management Plans (WMPs), Wild Horse Management Plans (WHMPs), and other plans developed at the local level to address specific concerns and accomplish specific objectives.

Coordinated Resource Management (CRM): A group of people working together to develop common resource goals and resolve natural resource concerns. CRM is a people process that strives for win-win situations through consensus-based decisionmaking.

Desired Plant Community: A plant community which produces the kind, proportion, and amount of vegetation necessary for meeting or exceeding the land use plan/activity plan objectives established for an ecological site(s). The desired plant community must be consistent with the site's capability to produce the desired vegetation through management, land treatment, or a combination of the two.

Ecological Site: An area of land with specific physical characteristics that differs from other areas both in its ability to produce distinctive kinds and amounts of vegetation and in its response to management.

Erosion: (v.) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity. (n.) The land surface worn away by running water, wind, ice, or other geological agents, including such processes as gravitational creep.

Grazing Management Practices: Grazing management practices include such things as grazing systems (rest-rotation, deferred rotation, etc.), timing and duration of grazing, herding, salting, etc. They do not include physical range improvements.

Guidelines (For Grazing Management): Guidelines provide for, and guide the development and implementation of, reasonable, responsible, and cost-effective management actions at the allotment and watershed level which move rangelands toward statewide standards or maintain existing desirable conditions. Appropriate guidelines will ensure that the resultant management actions reflect the potential for the watershed, consider other uses and natural influences, and balance resource goals with social, cultural/historic, and economic opportunities to sustain viable local ommunities. Guidelines, and therefore, the management actions they engender, are based on sound science, past and present management experience, and public input.

Indicator: An indicator is a component of a system whose characteristics (for example, presence, absence, quantity, and distribution) can be observed, measured, or monitored based on sound scientific principles. An indicator can be evaluated at a site- or species-

specific level. Monitoring of an indicator must be able to show change within timeframes acceptable to management and be capable of showing how the health of the ecosystem is changing in response to specific management actions. Selection of the appropriate indicators to be observed, measured, or monitored in a particular allotment is a critical aspect of early communication among the interests involved on-the-ground. The most useful indicators are those for which change or trend can be easily quantified and for which agreement as to the significance of the indicator is broad based.

Litter: The uppermost layer of organic debris on the soil surface, essentially the freshly fallen or slightly decomposed vegetal material.

Management Actions: Management actions are the specific actions prescribed by the BLM to achieve resource objectives, land use allocations, or other program or multiple use goals. Management actions include both grazing management practices and range improvements.

Objective: An objective is a site-specific statement of a desired rangeland condition. It may contain either or both qualitative elements and quantitative elements.

Objectives frequently speak to change. They are the focus of monitoring and evaluation activities at the local level. Monitoring of the indicators would show negative changes or positive changes. Objectives should focus on indicators of greatest interest for the area in question.

Range Improvements: Range improvements include such things as corrals, fences, water developments (reservoirs, spring developments, pipelines, wells, etc.) and land treatments (prescribed fire, herbicide treatments, mechanical treatments, etc.).

Rangeland: Land on which the native vegetation (climax or natural potential) is predominantly grasses, grass-like plants, forbs, or shrubs. This includes lands revegetated naturally or artificially when routine management of that vegetation is accomplished mainly through manipulation of grazing. Rangelands include natural grasslands, savannas, shrublands, most deserts, tundra, alpine communities, coastal marshes, and wet meadows.

Rangeland Health: The degree to which the integrity of the soil and ecological processes of rangeland ecosystems are sustained.

Riparian: An area of land directly influenced by permanent water. It has visible vegetation or physical characteristics reflective of permanent water influence.

Lakeshores and streambanks are typical riparian areas. Excluded are such sites as ephemeral streams or washes that do not have vegetation dependent on free water in the soil.

Standards: Standards are synonymous with goals and are observed on a landscape scale. Standards apply to rangeland health and not to the important by-products of healthy rangelands. Standards relate to the current capability or realistic potential of a specific site to produce these by-products, not to the presence or absence of the products themselves. It is the sustainability of the processes, or rangeland health, that produces these by-products.

Terms and Conditions: Terms and conditions are very specific land use requirements that are made a part of the land use authorization in order to assure maintenance or attainment of the standard. Terms and conditions may incorporate or reference the appropriate portions of activity plans (for example, Allotment Management Plans). In other words, where an activity plan exists that contains objectives focused on meeting the standards, compliance with the plan may be the only term and condition necessary in that allotment.

Upland: Those portions of the landscape which do not receive additional moisture for plant growth from run-off, streamflow, etc. Typically these are hills, ridgetops, valley slopes, and rolling plains.

APPENDIX E

STATE PROTOCOL AGREEMENT BETWEEN BLM AND WSHPO

Final Version 04/15/99

PROGRAMMATIC AGREEMENT AMONG THE BUREAU OF LAND MANAGEMENT,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS
REGARDING THE MANNER IN WHICH BLM
WILL MEET ITS RESPONSIBILITIES UNDER
THE NATIONAL HISTORIC PRESERVATION ACT

STATE PROTOCOL AGREEMENT

Between

The Wyoming BLM State Director
and
The Wyoming State Historic Preservation Officer

This Protocol Agreement (Protocol) supplements the above referenced National Programmatic Agreement (PA). It describes agreements specific to how the Wyoming State Historic Preservation Officer (SHPO) and the Wyoming BLM will interact and cooperate under the National Programmatic Agreement. The goal of the National Programmatic Agreement and this Protocol is to forge a more meaningful and productive partnership with SHPO that will enhance the management of historic properties under the BLM's jurisdiction.

I. RELATIONSHIP TO OTHER AGREEMENTS

Relevant sections of the Wyoming Statewide Programmatic Agreement have been incorporated into the National Programmatic Agreement and this Protocol. As a result, the Wyoming Statewide Programmatic Agreement, signed June 27, 1995, is terminated. Further, all other existing project and special purpose programmatic agreements are terminated unless specifically noted in Appendix A.

Other PAs and MOAs may be developed when specific agreement documents are needed to define procedures which are not covered under the National PA or this Protocol. Additionally, when more than one Federal agency is involved in an undertaking and BLM accepts lead responsibility for Section 106 compliance, the BLM and SHPO may agree to follow the procedures of the National PA and this Protocol instead of developing a separate agreement document, as long as the other agencies agree. The Advisory Council on Historic Preservation (Council), pursuant to the National PA, will review all non-routine interstate and/or interagency projects or programs. When more than one Federal agency is involved in an undertaking, and an agency other than BLM takes lead responsibility for Section 106 compliance, the National PA and this Protocol do not apply.

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II. ADMINISTRATIVE INTERACTION AND REPORTING REQUIREMENTS

The BLM will prepare an annual summary report to the SHPO that describes the implemented actions taken in the previous fiscal year. This report will be due to the SHPO by February 15th of each year and will include information as outlined in Appendix B.

The SHPO and SHPO staff, the BLM State Director, the BLM Deputy State Director for Resources Policy and Management, the BLM Field Office managers, the BLM Deputy Preservation Officer (DPO), and the BLM cultural resources specialists will meet annually in April to review and discuss procedures and policies for managing cultural resources under the National PA and this Protocol. Individual Field Office managers will further discuss with the SHPO any proposed projects for the current and forthcoming fiscal years which may affect cultural resources. The Council will be invited to participate in the annual meeting and receive a copy of the BLM's annual report.

III. SHPO INVOLVEMENT IN BLM STATE MANAGEMENT PROCESSES

To encourage broader and more proactive participation by SHPO in BLM's management activities related to cultural resources management, the BLM offers the following opportunities:

Planning Efforts: Each Field Office responsible for preparing a land use plan (Resource Management Plan or RMP amendment) or preparing a cultural resource activity plan at the regional or local level will, when beginning its planning effort, invite the SHPO to participate in scoping for the purpose of identifying issues that should be addressed in the plan. The BLM will invite the SHPO to comment on any proposed cultural resource use allocations, whether they are made in regional, local, or project plans. Field Offices will send all draft and final land use plans and cultural resource project plans to the SHPO.

Project Consultation: As major projects become known, each Field Office manager has the responsibility to contact the SHPO to discuss upcoming projects that are likely to affect cultural resources (i.e., large land disturbing projects, land exchanges, land sales, etc.). This consultation should occur as early as possible in the planning process with the objective being to facilitate the accomplishment of these projects in ways that meet heritage preservation goals. Such consultation may be by telephone or by meetings which may be held at the State Historic Preservation Office or the BLM Field Office, as agreed between the two parties.

Other Meetings and Informal Consultation: The SHPO is encouraged to meet with the Wyoming State Office or a Field Office manager at any time to discuss annual work plans, specific undertakings, outreach efforts, or other issues related to the BLM's management of cultural resources. The BLM will make every effort to arrange such meetings in a timely manner and to provide information requested by SHPO. The SHPO and Field Office personnel may consult informally at their discretion on specific undertakings or any aspect of BLM's cultural resource management program.

Field Tours: BLM Field Offices will notify the SHPO, in writing, of all public field tours relating to land use planning efforts (RMPs and RMP amendments) or to Environmental Impact Statement (EIS) planning efforts that may affect cultural resources. The SHPO's views will be specifically requested with regard to management of cultural resources involved.

IV. COOPERATIVE PROGRAM DEVELOPMENT AND ACTIVITIES

The BLM and the SHPO recognize the advantages of working together on a wide range of heritage preservation activities and will cooperatively pursue the following efforts.

A. Data Sharing and Information Management

1. Reports: Field Offices will send the SHPO copies of all cultural resource inventory reports, research designs, treatment plans, and other reports, generated by actions initiated or authorized by BLM. This also includes inventory reports for actions in which no cultural resources are identified. BLM will submit to SHPO copies of all reports for cultural resource inventories, including site forms, as soon as possible, but no later than 30 calendar days after BLM review and acceptance of the report.

All known "backlog" documentation that exists in BLM files and which predates the signing of this Protocol should be submitted to the SHPO Review and Compliance Office within one year of the implementation of this Protocol. If SHPO or a BLM Field Office are aware of specific backlog documentation held in either office, both the SHPO and the BLM Field Office should work cooperatively to provide the documentation to the office requesting it.

2. Reporting Standards: BLM and SHPO will collaborate on the development of standards for preparing inventory and treatment reports, and jointly develop isolated artifact and site forms.

3. Data System Management: BLM and SHPO will, through a Cooperative Agreement, develop a Statewide automated cultural records database which will be accessible from all BLM Field Offices. The BLM and SHPO will further collaborate on ways to synthesize and use the automated cultural data to develop Geographic Information System (GIS) capabilities. BLM and SHPO will continue to cooperate in this endeavor by providing financial, personnel, hardware and software resources as funding becomes available.

B. State BLM Handbook Supplement

In addition to the procedures described in Bureau-wide directives and Manuals, Wyoming BLM will be guided by manual supplements issued by the Wyoming State Office. The BLM will update these manual supplements as needed to conform to Bureau-wide directives, policies issued by the Wyoming State Director, new laws, and new regulations. The SHPO will be invited to participate in development and subsequent revisions of Wyoming Manual Supplements and

Handbooks.

BLM field procedures will be detailed in a State BLM Handbook as a supplement to BLM Manual procedures. Disagreement between BLM and SHPO regarding either development or implementation of Handbook procedures will be resolved in accordance with the dispute resolution procedures at Section X of this Protocol. All future changes or amendments to the Handbook procedures will be made in cooperation with the SHPO.

C. Public Outreach and Heritage Education

The BLM and the SHPO will work cooperatively to promote and enhance public education and outreach in historic preservation and cultural resources management through the following programs:

1. Archaeology Awareness Month: The BLM and the SHPO will participate in and support financially, as funding permits, *Archaeology Awareness Month* activities, including public presentations, field tours and excavations, exhibits, archaeology fairs, posters, brochures, and educational activities.

2. Project Archaeology: The BLM and SHPO will support *Project Archaeology* as a component of BLM's Heritage Education Program, by encouraging staff archaeologists to be trained and serve as facilitators in the program, with the goal of integrating the teaching of archaeological concepts and preservation ethics in Wyoming schools statewide.

3. Adventures in the Past/Heritage Education: The BLM and SHPO may, as funding permits, cooperatively work on the development of interpretation of cultural resources through a variety of media including, but not limited to, exhibits, brochures, lectures, radio and television promotions, Internet web pages, and interpretive signs.

4. Wyoming Archaeological Society: The BLM and SHPO are encouraged to work cooperatively with the Wyoming Archaeological Society to promote preservation ethics, good science, and professional standards statewide to amateur archaeologists by participating in society meetings, serving as chapter advisors, providing presentations and demonstrations, and providing assistance as appropriate.

5. Professional Organizations: The BLM and SHPO cultural resources specialists are encouraged to participate in and work cooperatively with professional historic preservation organizations (e.g., Wyoming Association of Professional Archaeologists and the Wyoming Association of Professional Historians) to promote preservation ethics, good science and good history, professional standards statewide, and open dialogue regarding historic preservation issues .

D. State-Level Historic Preservation Training

The SHPO will assist the BLM and/or participate in both the initial training and future on-going training of Field Office Managers and cultural resources staff relative to the National PA and implementation of this Protocol. Training resources might include, but are not limited to, Wyoming BLM State Handbook or Manual Supplements, planning documents, and statewide historic context documents. Review of training needs and/or additional training will occur on a yearly basis and will coincide with the annual review meeting to be held in April.

E. Historic Context Development

The BLM and SHPO will jointly work to develop standards and guidelines for the development of historic contexts within Wyoming and will strive to involve participation from other Federal land-managing agencies within the state. The BLM and the SHPO will cooperatively recommend statewide priorities for historic context development involving BLM lands. Recommendations will be considered in the BLM budget process as a statewide benefitting program. Field Managers may also develop project-specific contexts as their funding allows. All historic contexts, however, must be consistent with the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* (48 FR 44716). In accordance with Section 101(b)(3) of the National Historic Preservation Act, whereby the SHPO has responsibility for preparing and implementing the State's comprehensive historic preservation plan, the SHPO shall review and provide comments on all BLM historic context documents. Historic contexts which define site eligibility criteria, levels of adequate inventory, site documentation requirements, standards for assessment of effects, and/or appropriate treatment of historic properties shall require SHPO concurrence on those aspects. All jointly developed historic contexts within Wyoming shall be endorsed by all participating parties.

F. Public Participation

The BLM will seek and consider the views of the public when carrying out actions under the terms of this Protocol. The BLM will solicit such input through the public participation opportunities afforded by BLM's land use planning and environmental review processes established under the National Environmental Policy Act (NEPA) of 1970 and the Federal Land Policy and Management Act (FLPMA) of 1976, and in accordance with regulations at 43 CFR Part 1610.3. Interested parties shall be invited to participate in the review process [Section VI.B below] if they have interests in a BLM undertaking or action on historic properties. Such interested parties may include, but are not limited to, local governments, grantees, permittees, or owners of affected lands or land surfaces, Indian tribes, and other interested parties determined jointly by BLM and SHPO.

V. NATIVE AMERICAN PARTICIPATION

The BLM will consider the effects of its undertakings on historic properties significant to Native Americans because of an association with tribal history or because of a property's traditional religious or cultural importance to a tribe. In consulting with Indian tribes or authorized tribal

representatives, the BLM will be guided by the following:

- BLM Manual 8160, *Native American Consultation and Coordination*
- BLM Handbook H-8160-1, *General Procedural Guidance for Native American Consultation*
- Executive Order No. 13007, *Indian Sacred Sites*
- *National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties*

Additionally, if Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony are encountered as a result of a BLM undertaking, the BLM will comply with Section 3 of the Native American Graves Protection and Repatriation Act (NAGPRA) and its implementing regulations at 43 CFR Part 10, Subpart B. These situations will also be treated as archaeological discoveries and appropriate discovery procedures, as defined in the BLM Handbook or other guidance developed jointly between the BLM and the SHPO, will be followed.

VI. CASE-BY-CASE REVIEW PARAMETERS

A. Review Thresholds

At a minimum, the BLM will request SHPO comments on eligibility and effect on the following situations:

1. Non-routine interstate and/or interagency projects or programs.

2. Undertakings adversely affecting National Historic Landmarks or National Register eligible properties.

3. Undertakings containing cultural resources that are or have the potential to be eligible under National Register Criteria A, B, or C [36 CFR Part 60.4].

4. Land exchanges or land sales affecting historic properties which will no longer be under BLM ownership or management.

5. Undertakings that are determined by the BLM or the SHPO to be highly controversial (e.g., undertakings that receive unusual public attention and/or involve significant conflict related to cultural resources).

B. General Review Process

1. SHPO Response Time: Unless otherwise agreed, the BLM shall afford the SHPO 30 calendar days from receipt of appropriate documentation to respond to any BLM communication regarding identification, evaluation (unless Section VII.C.3 applies), effect determination (or 15 days for findings of "no effect" pursuant to Section VII.D.1.a), or treatment of effects. Should the SHPO not respond within the appropriate time limit, the

BLM may assume SHPO concurrence and can proceed with the BLM's proposed course of action. The BLM will document non-response by the SHPO in the Annual Report for cases where review is requested or required.

2. Concurrent SHPO Comment - Eligibility and Effect: The BLM will make determinations of eligibility according to 36 CFR Part 60.4. When SHPO review is requested or required, SHPO will be provided 30 calendar days to comment on BLM's determination of eligibility and effect. These may be done concurrently.

3. When Eligibility or Effect is in Doubt: BLM will confer with the SHPO whenever questions about eligibility and/or effect arise.

4. Disagreement on Eligibility: If the BLM and SHPO disagree on the eligibility of a property, BLM will seek a determination of eligibility from the Keeper of the Register pursuant to 36 CFR Part 63.2.

5. Sequence of Consultation: Project-related communications to the SHPO should proceed in accordance with the sequence of consultations as specified in this Protocol. The BLM may also request comments for an individual portion of a project (e.g., segmented inventories like large geophysical projects or land transfers). Each segment of a project will be inventoried and reported as though it is a complete project. The first report submitted for a segmented project will include a brief description of the overall project. The same SHPO tracking numbers shall be referenced by the BLM in all subsequent documentation submitted to the SHPO relating to other segments of the project.

6. Resolving Objections: If the SHPO objects to the BLM's finding of effect or treatment, resolution will follow the Dispute Resolution Procedures pursuant to Section X.A of this Protocol.

VII. IDENTIFICATION, EVALUATION AND TREATMENT OF HISTORIC PROPERTIES

The BLM will ensure that historic properties which may be affected by any undertaking are identified and evaluated in accordance with 36 CFR Part 800 and follow the procedures established below. The BLM will ensure that project-specific surveys and other efforts to identify and evaluate historic properties are conducted in accordance with appropriate professional standards as defined in BLM Manual 8110, *Identifying Cultural Resources*, BLM Manual 8120, *Protecting Cultural Resources*, Wyoming BLM supplements, the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716), and relevant SHPO guidance.

A. Determining Inventory Needs

1. Exemptions: Actions exempted from case-by-case review are identified at Appendix

C. subject to the following:

a. The BLM cultural resource specialist will, after determining information needed to identify and evaluate cultural properties, determine if specific projects or activities should appropriately be exempted from case-by-case review, as described in Appendix C.

b. Upon recommendation by any party to this Protocol, other classes of exempted actions may be added to Appendix C if the BLM and the SHPO agree that such undertakings qualify.

c. A record listing all undertakings authorized under this section will be documented in the Annual Report in accordance with the information requirements stipulated in Appendix B. Exempted actions do not require reports or any notification to the SHPO at the time of the undertaking.

2. Disturbed Areas: If the proposed undertaking is not listed in the exemptions found in Appendix C, the BLM cultural resource specialist will determine whether previous ground disturbance has modified the surface so extensively that the probability of finding intact cultural properties is negligible. If such disturbance has occurred in the area of potential effect, the BLM may proceed with the undertaking. A record listing all undertakings authorized under this section will be documented in the Annual Report in accordance with the information requirements stipulated in Appendix B.

3. Previous Adequate Inventory: The BLM cultural resource specialist will determine whether the area of potential effects has been adequately inventoried for historic properties. If an adequate Class III inventory has been completed (generally after 1980 as defined in the Wyoming BLM Handbook) and previously reviewed by the SHPO, the BLM may choose to proceed. A record listing all undertakings authorized under this section will be documented in the Annual Report in accordance with the information requirements stipulated in Appendix B.

4. Areas with Low Potential for Containing Historic Properties: The BLM and the SHPO may jointly determine that specific areas do not need to be inventoried because current information suggests that the area has little or no potential to contain historic properties. Such determinations may be developed in two ways:

a. Project-Specific: The BLM will consult with the SHPO on project-specific exemptions due to low site probability. The SHPO will be provided 30 calendar days to comment.

b. Supplemental Protocol Agreements: Low site probability due to environmental factors or other conditions may allow large blocks of land to be exempted through a Supplemental Protocol Agreement (SPA) and listed in Appendix A of this Protocol.

Final Version 04/15/99

B. Identification

1. Information Needs: The BLM will, during the earliest feasible planning stage of any undertaking, determine the information needed to identify and evaluate historic properties situated within the area of potential effects. Such determinations may be based on a file search of the SHPO/BLM cultural resource records, aerial photographs, GLO records, BLM land records, resource management plan, project-specific NEPA documents of the proposed project area and on information sought and obtained from the SHPO and from interested persons.

2. Level of Inventory: If the BLM determines that a Class III inventory of the area of potential effects (APE) is necessary, the BLM need not seek the SHPO's views on identification efforts. If the BLM determines to conduct an inventory at less than a Class III level of intensity, BLM will consult, in writing, with the SHPO on the adequacy of the inventory design prior to initiating the inventory or authorizing the proposed undertaking. Any disputes over the adequacy of the proposed inventory efforts shall be resolved in accordance with the dispute resolution clause at Section X.A of this Protocol.

3. Defining Area of Potential Effects (APE): The appropriate size of APEs for specific types of projects will be defined in the BLM Handbook or other guidance developed jointly between the BLM and the SHPO. The size of the survey area outside of an APE shall be at the discretion of the BLM manager, taking into account the recommendations of the cultural resource specialist.

4. Project Segmentation: The BLM may determine that some very large projects (e.g., geophysical projects or land transfers) can be more efficiently completed if segmented. If a project is to be segmented, the SHPO should be notified, in writing, in accordance with the BLM Handbook or other guidance developed jointly between the BLM and the SHPO. Reports for segmented projects should be submitted as per Section VI.B.5 of this Protocol.

5. No Find Situations: If the BLM determines that no historic properties are present in the APE as a result of the Class III survey inventory, it will, immediately upon review and acceptance, submit its report to the SHPO, notify interested persons, and proceed with the undertaking.

C. Evaluation for National Register Eligibility

1. Classes of Properties Not Eligible for the National Register: The BLM and the SHPO may jointly determine a class or classes of properties to be ineligible for listing on the National Register and not meriting further consideration for purposes of Section 106. Such properties require no formal documentation and are listed in Appendix E of this Protocol.

2. Evaluation Standards: Evaluations shall be consistent with the *Secretary of the*

APPENDIX F

CULTURAL RESOURCE CONSIDERATIONS INFORMATIONAL BULLETIN NO. 2002-101

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

May 24, 2002

In Reply Refer To:
1610/8100 (240)P

EMS TRANSMISSION 05/29/2002
Information Bulletin No. 2002-101

To: AFO's

From: Assistant Director, Renewable Resources and Planning

Subject: Cultural Resource Considerations in Resource Management Plans

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The purpose of this Information Bulletin (IB) is to clarify the level of cultural resource information and the kinds of long-term management decisions needed in land use plans, as outlined in Manual Section 1601, "Land Use Planning," Manual Handbook H-1601-1, "Land Use Planning Handbook," and Manual Section 8110, "Identifying Cultural Resources."

BACKGROUND: Besides the inventory and planning requirements in the Federal Land Policy and Management Act (FLPMA), which apply to all resource management programs, the BLM is required to consider the short- and long-term management of cultural resources under Sections 106 and 110 of the National Historic Preservation Act (NHPA), Section 14 of the Archaeological Resources Protection Act (ARPA), and the BLM's national Programmatic Agreement with the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers (PA)

The RMP's now in effect generally defer decisions about cultural resources until a conflict with a proposed land use is identified. Then, the need to comply with Section 106 of NHPA forces managers to make cultural resource decisions without the benefit of prior analysis. When these decisions default to mitigation of adverse effects by means of data recovery (excavation), this formula often results in the inappropriate loss of resources that should be preserved, or, at the other extreme, costly mitigation operations that are not warranted by the resource's research potential.

Other than high-profile resources such as National Historic Landmarks and National Historic Trails, RMP's seldom address Bureau-initiated, proactive, long-term management of cultural resources.

Manual Handbook H-1601-1 and Manual Section 8110 require that every new, revised, and amended RMP incorporate:

A. Sufficient information to identify the nature and importance of all cultural resources known or expected to be present in the RMP area.
B. Goals for their management;
C. Land use allocation decisions in support of the goals; and
D. Management actions and prescriptions that will contribute to achieving the decisions.

This IB provides guidance for meeting those requirements.

ACTION: The following steps implement the policy.

A. IDENTIFICATION. The scope and scale of cultural resource identification are much more general and less intensive for land use planning than for processing specific land use proposals. Instead of new, on-the-ground inventory, the appropriate identification level for land use planning is a regional overview; i.e., (1) a compilation and analysis of reasonably available cultural resource data and literature, and (2) a management-oriented synthesis of the resulting information. (See Manual Section 8110.) If land use decisions, however, are more specific in terms of impacts, they may require a more detailed level of identification of the scope and nature of cultural resources during land use planning.

Data source. The State Historic Preservation Office (SHPO) data base is the primary data source for regional overviews. In addition to locating and characterizing the distribution of all surveyed areas and recorded cultural resources, qualitatively and quantitatively, regional overviews should interpret the potential cultural resource contents and densities of unsurveyed areas. Data and data interpretations, including projected cultural resource distributions in the unsurveyed areas, should be presented in Geographical Information System format.

Existing class I overviews. Most field offices already have older class I overviews that can be updated, singly or in combination, to meet RMP needs (see Attachment 1). Most existing class I overviews were completed a decade or more ago for "planning units" under an earlier planning strategy. Some were prepared at a larger "resource area" scale, which may or may not correspond to current field office area boundaries. Many are outdated and therefore reflect less-reliable and less-complete information than is available now.

"Landscape" scale overviews. For current planning purposes, some overviews warrant development at the "landscape" scale, focusing less on administrative boundaries and more on the continuity of geographic and cultural similarities and influences. For example, basing an overview on a linear cultural-geographical feature such as an historic trail, or a natural physiographic unit such as a watershed, might be a better way to organize cultural resource data for planning than field office or other arbitrary boundaries would be. A single landscape-level overview may contribute to the cultural resource information needs for more than one RMP.

Outreach. Groups and individuals with historical, scientific, Native American, interpretive, and similar kinds of information and interests should be invited to participate in the identification of the cultural resources in the RMP area, especially including evaluation of the resources' use potential. Participation of these groups and individuals is supposed to be recommended in prep-plans. Where this was not done and plan preparation is already underway, their participation should be requested as soon as possible.

Consultation. Consultation at the outset of planning with Indian tribes and the SHPO is required by law, regulations, and implementing agreements, and is a vital part of identification. Involving tribal governments and SHPO's closely at this level of resource consideration will greatly facilitate coordination and consultation at later stages of planning and project development. (See Manual Section 8160 and Manual Handbook H-8160-1.)

Minimum data standards. Each State should develop standards on how to acquire and display data, compatible with the FGDC report <http://colby.uwyo.edu/fgdcdocs/fgdcreport.pdf>, SHPO data standards, and any additional internal State BLM standards that apply.

B. GOALS. A particular RMP may include numerous cultural resource goals. All will include at least the following two goals. (Pertinent legal authorities are shown in parentheses.)

1. **Goal 1.** Preserve and protect significant cultural resources and ensure that they are available for appropriate uses by present and future generations. (FLPMA Sec. 103(c), 201(a), 202(c); NHPA Sec. 110(a); ARPA Sec. 14(a).)

2. **Goal 2.** Imminent threats from natural or human-caused deterioration, or potential conflict with other resource uses, are reduced by identifying priority geographic areas for new field inventory, based upon a probability for unrecorded significant resources. (ARPA Sec. 14(a); NHPA Sec. 106, 110).

C. CULTURAL RESOURCE USE ALLOCATIONS. Of the two goals above, only the first requires resource use allocation decisions in the RMP.

1. **Cultural Resource Use Allocations in Support of Goal 1.** All cultural properties in the RMP area, whether already recorded or projected to occur on the basis of existing-data synthesis, including cultural landscapes, will be allocated to the following uses according to their nature and relative preservation value (see Attachment 2). These use allocations pertain to cultural resources, not to areas of land.

Use *	Desired Future Condition
a. Scientific Use	Preserved until research potential is realized
b. Conservation for Future Use	Preserved until conditions for use are met
c. Traditional Use	Long-term preservation
d. Public Use	Long-term preservation, on-site interpretation
e. Experimental Use	Protected until used
f. Discharged from Management	No use after recordation; not preserved

* The majority of the cultural properties in a given geographic area will fall into categories a and f. The less-common properties in categories b-e are likely to be associated with particular settings that can be delineated geographically in the planning process. As the plan is developed, properties in categories b-d will require the most attention to balance their proactive uses with other land and resource uses.

D. MANAGEMENT ACTIONS

1. Management Actions in Support of Goal 1. Cultural properties allocated to uses are subject to the following management actions to realize their use potential:

Use	Management Actions
Scientific Use	Permit appropriate research, including data recovery
Conservation for Future Use	Propose protective measures/designations **
Traditional Use	Consult with tribes; determine limitations **
Public Use	Determine limitations, permitted uses **
Experimental Use	Determine nature of experiment
Discharged from Management	Remove protective measures

** Safeguards against incompatible land and resource uses may be imposed through withdrawals, stipulations on leases and permits, design requirements, and similar measures which are developed and recommended by an appropriately staffed interdisciplinary team.

2. Management Actions in Support of Goal 2. Categorize geographic areas as high/medium/low priority for future inventory of cultural properties.

In addition, states must ensure that all authorizations for land and resource use will comply with Section 106 of the National Historic Preservation Act, consistent with and subject to the objectives established in the RMP for the proactive use of cultural properties in the public interest. (NHPA Sec. 106, 101(d)(6), 110(a)(2)(E); national BLM-ACHP-NCSHPO Programmatic Agreement of March 1997.) All sections of the RMP that address the development of lands and resources will contain standard language stating that managers must not approve proposed activities until compliance with Section 106 of NHPA has been completed and documented, including, where applicable, consultation with the State Historic Preservation Officer and federally recognized Indian tribes.

This IB takes effect immediately. It applies to all pending RMP's, RMP revisions, and RMP amendments, including Time Sensitive Plans and others already in preparation. Field Offices with RMP's in an advanced state of preparation shall determine the most effective way to apply the guidelines in this IB, so that their plans will as effectively as possible identify the nature and importance of cultural resources in the RMP area; establish goals for their management; make cultural resource use allocation decisions in support of the objectives; and choose management actions and prescriptions that will contribute to achieving the decisions.

Field Offices preparing prep-plans and budget requests for RMP's must target sufficient Planning Subactivity funds (1610) to the assembly, analysis, synthesis, and evaluation of available cultural resource information.

Refer to MS 1601, "Land Use Planning," Handbook H-1601-1, "Land Use Planning Handbook," and MS 8110, "Identifying Cultural Resources."

This IB was coordinated with WO-210, AD-200, AD-300, and WO-170.

If you have any questions, please contact your Deputy Preservation Officer (State Office cultural resource program lead) or Dr. Marilyn Nickels, Group Manager for Cultural and Fossil Resources and Tribal Consultation (WO-240), at (202) 452-0331.

Signed by:
Elena C. Daly
Acting Assistant Director
Renewable Resources and Planning

Authenticated by:
Barbara J. Brown
Policy & Records Group, WO-560

Class I - Regional Overview (Adapted from MS 8110.21)

a. A Class I Regional Overview is a professionally prepared study that includes (1) a compilation and analysis of all reasonably available cultural resource data and literature, and (2) a management-focused, interpretive, narrative overview, and synthesis of the data. The Overview also defines regional research questions and treatment options. Existing cultural resource data are obtained from published and unpublished documents, BLM cultural resource inventory records, institutional site files, State and national registers, interviews, and other information sources. Overviews, which should have prehistoric, historic, and ethnological elements, are in large part chronicles of past land uses, and as such they should be relevant to current land use decisions. General information about, and categories or types of properties of traditional cultural or religious importance to Native Americans or other cultural groups (including "traditional cultural properties" as discussed in *National Register Bulletin No. 38*) should as much as possible be included in the Overview. Overviews are periodically updated, in both the compilation and the synthesis, to incorporate new data from Class II and Class III inventories, histories, oral testimony, and other sources. Overviews can be used to develop regional research designs for resource evaluations.

b. Overviews provide cultural resource specialists and managers with an informed basis for understanding the study area in terms of:

(1) The variety, the apparent extent, and the probable importance of each of the various kinds of cultural resources and cultural landscapes, in environmental context, within the study area.

(2) The potential for, and probable consequences of, conflict between cultural resource uses and other land and resource uses that are likely in the study area.

(3) The need for new cultural resource surveys to fill scientifically significant data gaps.

(4) The human uses of the land and resources through time, as evidenced in the prehistoric and historic record, and the ways that this knowledge adds to our understanding of specific ecosystems within the study area.

c. A well-developed Regional Overview should include important themes, significant periods of use, and expected historic properties. It should contain sufficient information and analysis to support the historic contexts needed to evaluate resources within the Overview area. The BLM and SHPO should collaborate in developing historic contexts within the framework of the national Programmatic Agreement. Especially for use in land use planning, the Overview should define the kinds of cultural properties, known or likely to be found, which are unique to the Overview area, and also define the particular areas containing or likely to contain resources of special value, such as traditional cultural properties, scientifically rare archeological sites, historic era districts and buildings or other resources of particular public benefit or value.

d. New cultural resource inventory and evaluation products are generated continually. A Regional Overview loses usefulness if it does not reflect new data, especially data that challenge or modify the understandings it portrays. Because of the differing pace and volume of inventory in the various BLM Field Offices, there cannot be a standard periodic interval for Class I Regional Overview updates. Field Office managers are responsible for ensuring that Overviews are updated often enough to remain fully useful for multiple-use decision making.

Attachment 1

Cultural Resource Use Categories (Adapted from MS 8110.42)

1. Scientific Use. This category applies to any cultural property determined to be available for scientific or historical study using currently available research techniques, including methods that would result in the property's physical alteration or destruction. The category applies almost entirely to prehistoric and historic archaeological properties, where the method of use is generally archaeological excavation, controlled surface collection, and/or controlled recordation (data recovery). Recommendations to allocate individual properties to this use must be based on documentation of the kinds of data the property is thought to contain and the data's importance for pursuing specified research topics. Properties in this category need not be conserved in the face of a research or data recovery (mitigation) proposal that would make adequate and appropriate use of the property's research importance.

2. Conservation for Future Use. This category is reserved for any unused cultural property which, because of scarcity, a research potential that surpasses the current state of the art, singular historic importance, cultural importance, architectural interest, or comparable reasons, is not currently available for consideration as the subject of scientific or historical study that would result in its physical alteration. A cultural property included in this category is deemed worthy of segregation from all other land or resource uses, including cultural resource uses, that would threaten the maintenance of its present condition or setting, as pertinent, and will remain in this use category until specified provisions are met in the future.

3. Traditional Use. This category is to be applied to any cultural resource known to be perceived by a specified social and/or cultural group as important in maintaining the cultural identity, heritage, or well-being of the group. Cultural properties assigned to this category are to be managed in ways that recognize the importance ascribed to them and seek to accommodate their continuing traditional use.

4. Public use. This category may be applied to any cultural property found to be appropriate for use as an interpretive exhibit in place, or for related educational and recreational uses by members of the general public. The category may also be applied to buildings suitable for continued use or adaptive use, for example as staff housing or administrative facilities at a visitor contact or interpretive site, or as shelter along a cross-country ski trail.

5. Experimental Use. This category may be applied to a cultural property judged well-suited for controlled experimental study, to be conducted by BLM or others concerned with the techniques of managing cultural properties, which would result in the property's alteration, possibly including loss of integrity and destruction of physical elements. Committing cultural properties or the data they contain to loss must be justified in terms of specific information that would be gained and how it would aid in the management of other cultural properties. Experimental study should aim toward understanding the kinds and rates of natural or human-caused deterioration, testing the effectiveness of protection measures, or developing new research or interpretation methods and similar kinds of practical management information. It should not be applied to cultural properties with strong research potential, traditional cultural importance, or good public use potential, if it would significantly diminish those uses.

6. Discharged from Management. This category is assigned to cultural properties that have no remaining identifiable use. Most often these are prehistoric and historic archaeological properties, such as small surface scatters of artifacts or debris, whose limited research potential is effectively exhausted as soon as they have been documented. Also, more complex archaeological properties that have had their salient information collected and preserved through mitigation or research may be discharged from management, as should cultural properties destroyed by any natural event or human activity. Properties discharged from management remain in the inventory, but they are removed from further management attention and do not constrain other land uses. Particular classes of unrecorded cultural properties may be named and described in advance as dischargeable upon documentation, but specific cultural properties must be inspected in the field and recorded before they may be discharged from management.

Attachment 2

Q. Why is a VRM Class I needed for WSAs? Doesn't the BLM's Interim Management Policy adequately protect WSAs?

A. The BLM's Interim Management Policy prevents the impairment of wilderness values, but does allow some modifications to the natural character of the area if modifications are found not to impair or are allowed because of valid rights, grandfathered activities, safety considerations or other reasons. In these cases visual resource management complements interim management by providing techniques to insure that changes are designed not to attract attention.

Q. Why should WSAs with low scenic quality be classified as Class I areas?

A. The visual resource management process takes into consideration the concepts of both scenic quality and natural appearing landscapes. Areas such as wilderness, wilderness study areas, and wild sections of wild and scenic rivers are designated with the intent to preserve their natural appearing landscape regardless of their scenic value. High scenic quality may be a value of these areas, but is not necessary for their designation.

Q. Will Class I prevent construction of structures or maintenance of existing structures that would be allowed in WSAs under the Interim Management Policy (IMP)?

A. No. Resource Management Plans addressing this issue should note that the visual resource management (VRM) objectives are designed to support the IMP guidelines to not impair the natural character of the existing landscape. They should never be used to supercede the IMP guidelines.

APPENDIX G

SUPPLEMENTAL MITIGATION MEASURES SPECIFIC TO WILDLIFE AND FIRE

Offsite Mitigation (Wildlife)

Offsite mitigation would be considered on all larger surface-disturbing activities in big game crucial winter range and other sensitive wildlife habitat. The requirement for offsite mitigation would be applied on a case-by-case basis depending on the type and duration of the disturbance and the sensitivity of the area affected. Offsite mitigation would generally not be required for short-term disturbances, unless cumulative impacts become a concern. Plans for offsite mitigation would be required on a site-specific basis and could include prescribed burning, brush-beating, tree planting, and other methods designed to increase the productivity or utility of wildlife habitat.

Fire Mitigation

Guidelines for buffer areas (an area in which fire cannot spread) have been prepared to protect developed facilities from the impacts of fire. If the development is located in a grass community, a 15-foot buffer is recommended. If the development is located in a sagebrush community, a 25-foot buffer is recommended. In a juniper/tall brush community (serviceberry, aspen, cottonwood, willow), a 50-foot buffer is recommended; in a conifer community (lodgepole, spruce fir), a buffer area of 25 feet plus the height of the surrounding trees is recommended.

The emissions which may be created directly by BLM activities are mitigated by applying best management practices. For example, prescribed fires are conducted to reduce emissions by burning only at appropriate fuel moistures and wind speeds (among other factors) which reduce as much as possible the smoke created. All BLM activities that may potentially cause undesirable air quality impacts are also coordinated with the Wyoming Department of Environmental Quality, Air Quality Division (WDEQ, AQD).

Permits to conduct these activities are secured (where necessary) before the activity begins, to insure compliance with all Federal, State, and local air quality laws.

APPENDIX H

FOREST MANAGEMENT GUIDANCE

Introduction

This appendix provides general guidance in support of the forest management RMP decisions. This guidance is intended to be flexible and changeable as conditions change. The guidance offered here is not intended to be utilized as land use plan decisions; however, it does assume implementation funding would be available and that access be acquired to various forested tracts. Should funding not be available or needed access not be acquired, a commensurate reduction in the harvest, thinning, and reforestation level would be required.

Forested lands in categories 1 and 2 areas will be managed to produce an estimated 18.2 million board feet of timber over the next 20 years. The 18.2 mmbf harvest estimate is based upon the area average of 6,478 board feet per acre; however, actual harvest volumes may vary depending on the individual stand or stands being harvested (USDI 1985a). The harvest acreage is based on two situations. Where high wildlife values occur, additional harvesting will be allowed as logged or burned areas presently out of cover regain their cover status. Where wildlife values are not an overriding concern, harvesting will be based on the allowable harvest/sustained yield levels. Accordingly, the resource area was divided into four forest management units: Deadline-Pinegrove, North Piney, Miller Mountain, and Eastside-Hoback. The Deadline-Pinegrove, North Piney, and Miller Mountain units have high wildlife concerns, consequently, they will be managed to provide specific cover levels, i.e., 92 percent (of the total conifer acreage) in Deadline-Pinegrove unit, 85 percent in North Piney, and 90 percent in Miller Mountain. Timber harvesting in these units will be designed to meet the cover objective on a year-to-year basis; however, fluctuations will be allowed to permit the disposal of forest products in logical and economic units and to maintain a sustained harvest level.

The Eastside-Hoback unit does not have the cumulative wildlife concerns which occur within the other units; therefore, it does not have a specific cover level objective and will

be managed to provide forest products based on sustained yield. Wildlife and other resource mitigation will be accomplished through sale layout criteria, including road closures and harvest design.

The 2,810-acre proposed harvest level will include all new logging as well as tree removal on previously logged partial cut areas where there is sufficient tree density to provide hiding or thermal cover, i.e., the proposed harvest level includes all harvesting that would result in a reduction of elk cover. Harvesting on previously logged (partial cut) areas where there are too few residual trees to provide hiding or thermal cover will not constitute a reduction of cover and therefore would be in addition to the proposed harvest acreage. Specifically, the additional harvest acreage will include approximately 450 acres (230 acres on Miller Mountain and 220 acres on Deadline Ridge). Harvest will be implemented to remove residual trees where sufficient reforestation has occurred. Removal of seed trees will be accomplished in a manner that will help promote further growth of younger trees. Where young trees have grown to elk hiding cover status, the partial cuts will be designed to maintain the cover provided by the regrowth. Where young trees are too small to provide elk hiding cover, care will be taken to minimize damage to regrowth from overstory removal.

Generally, clearcut harvest units will adhere to the BLM Wyoming State Office guidance of 25 acres per individual unit. However, to allow flexibility to manage special situations (such as controlling insect or disease infestations, salvaging timber damaged by wildfire or weather, or meeting other resource needs) the clearcut size may be extended to 40 acres per unit. Clearcuts exceeding 25 acres must be supported in a site specific environmental analysis.

Timber access roads will be constructed to the minimum standard necessary to safely remove timber and will be consistent with surface disturbance mitigation guidelines. However, where such roads will be needed for other public purposes, a higher road standard will be applied. Generally, all new timber sale roads will be closed once logging and associated activities are completed. Existing roads will also be evaluated, and roads not necessary for management activities will be closed. Actual methods of road closures will be determined through site-specific analysis.

Guidelines for the Deadline-Pinegrove Unit

The available harvest acreage (953 acres) includes those acres under timber sale contract but not logged as of October 1985. Timber harvesting, up to the 953-acre availability level, will be allowed as existing logged or burned areas resume providing acceptable elk hiding cover or are at least restocked to the preharvest tree density with 12- to 15-foot tall trees. Should this not be achieved, the 20-year harvest level will be commensurately reduced to maintain the October 1985 cover level. Further reductions may be necessary due to uncontrolled events such as wildfire or harvesting for other development activities. All cover losses in Categories 1 and 2 lands, whether to timber harvesting or other activities, will be considered part of the allowable harvest acreage.

Increases in the timber harvest level and a commensurate decrease in wildlife cover will be allowed in the event that other conflicting uses subside and providing that such decreases in the cover level will not reduce the elk population below the 1987 target level in the Wyoming Game and Fish Department planning objectives.

Guidelines for the North Piney Unit

This harvest acreage also assumes that all conifer acres currently not producing elk cover will regain cover status within the 20-year period; that all losses of all conifer cover, regardless of the source, in Categories 1 and 2 will be considered part of the allowable harvest level; and that all acres under timber sale contract but not logged will count toward the 20-year harvest level.

Guidelines for the Miller Mountain Unit

The assumptions made for the Deadline-Pinegrove and the North Piney units will also apply to the harvest level for this unit. Forest management activities will be excluded from the Fort Hill elk winter range. Exceptions will be allowed for emergency salvage when the wildlife will benefit.

Monitoring Requirements

Existing and future harvest areas will be monitored to insure reforestation and elk cover requirements are achieved. Monitoring for reforestation will be conducted at one, three, and five years after harvest. Reforestation monitoring will utilized standard BLM regeneration survey procedures. Monitoring for elk cover will be conducted the 15th and 18th year after harvest. Elk cover monitoring will use the Smith and Long method ("Elk Hiding and Thermal Cover Guidelines in the Context of Lodgepole Pine Stand Density") and the Bridger-Teton elk 20 model.

APPENDIX I

DISPOSAL CRITERIA

Lands to be considered for disposal, as a minimum, must meet the following criteria: they are difficult and uneconomical to manage, or their disposal would meet

important public objectives such as community expansion or economic development.

In addition, site specific analysis prior to disposal must determine that these lands must have the following characteristics:

They contain no significant wildlife, recreation, or other resource values; have no overriding public values; and represent no substantial public investments;

They are suitable for agricultural, industrial, commercial, or residential development;

Their disposal would best serve the public interest; and

Lands identified for disposal would be considered for exchange with federal, state, or local government or other entities.

Generally, areas within two miles of communities would be considered for community expansion.

APPENDIX J

LANDS SUITABLE FOR CONSIDERATION FOR DISPOSAL, EXCHANGE, AND ACQUISITION

Legal Description	Acres per Section	Total Acres
Total Acres Disposal Parcels (for sale or exchange)		
1. T. 37 N., R. 110 W. sec. 2, Lots 1, 2, 3, 4 sec. 3, Lots 1, 2, 3, 4	33.00 32.84	65.84
2. T. 37 N., R. 111 W. sec. 13, W1/2W1/2		160.00
3. T. 36 N., R. 112 W. sec. 2, Lot 2		37.20
4. T. 36 N., R. 110 W. sec. 20, SE1/4SW1/4		40.00
5-10 T. 36 N., R. 110 W. sec. 21, NW1/4SE1/4 sec. 21, Lot 3 sec. 21, Lot 4 sec. 21, Lot 6 sec. 21, Lot 7 sec. 21, Lot 14	40.00 2.52 2.52 2.51 2.51 2.50	52.56
11. T. 33 N., R. 108 W. sec. 9, NW1/4NW1/4		40.00
12. T. 33 N., R. 108 W. sec. 10, SW1/4SW1/4 sec. 15, W1/2NW1/4	40.00 75.04	115.041

13. T. 33 N., R. 108 W. sec. 25, SW1/4SW1/4		40.00
14. T. 33 N., R. 107 W. sec. 31, Lot 1		40.26
15. T. 33 N., R. 108 W. sec. 35, SE1/4NE1/4, SE1/4 T. 32 N., R. 108 W. sec. 3, Lot 3	200.00 35.31	 235.31
16. T. 32 N., R. 107 W. sec. 1, Lots 10, 11, W1/2SW1/4 sec. 2, Lots 3, 4, SW1/4NE1/4	153.27 115.27	 268.54
17. T. 32 N., R. 107 W. sec. 12, Lot 4, SE1/4SW1/4, SW1/4SE1/4 sec. 13, Lots 1, 2, 3, NW1/4NE1/4 T. 32 N., R. 106 W. sec. 18, Lot 3	74.58 143.87 35.44	 253.89
18. T. 32 N., R. 106 W. sec. 29, Lots 4, 6, 7, E1/2SW1/4 sec. 32, NE1/4NW1/4	207.13 40.00	247.13

19. T. 31 N., R. 106 W. sec. 18, Lots 1, 2, 3, NW1/4NE1/4, S1/2NE1/4, E1/2NW1/4, E1/4SW1/4, N1/2SE1/4 T. 31 N., R. 107 W. sec. 12, NE1/4SE1/4, SE1/4SW1/4, S1/2SE1/4 sec. 13, N1/2NE1/4, SE1/4NE1/4	431.00 160.00 120.00	711.00
20. T. 31 N., R. 106 W. sec. 8, NE1/4SW1/4		40.00
21. T. 31 N., R. 106 W. sec. 17, N1/2NE1/4		80.00
22. T. 31 N., R. 106 W. sec. 30, W1/2NE1/4		80.00
23. T. 30 N., R. 106 W. sec. 9, SE1/4NW1/4		40.00
24. T. 31 N., R. 108 W. sec. 25, S1/2SW1/4		80.00
25. T. 31 N., R. 110 W. sec. 17, NE1/4NW1/4		40.00
26. T. 31 N., R. 110 W. sec. 17, E1/2SE1/4		80.00
27. & 28. Tracts Listed Below: T. 29 N., R. 111 W. secs. 17 and 18 Tract 37	 2.50 3.00	

Tract 38	2.29	
Tract 39	2.19	
Tract 40	2.50	
Tract 41	1.51	
Tract 42	2.50	
Tract 45	1.10	
Tract 46	1.40	
Tract 47	2.50	
Tract 48	2.50	
Tract 49	2.90	
Tract 50	2.50	
Tract 51	2.50	
Tract 52	2.50	
Tract 54	2.50	
Tract 55	2.50	
Tract 56	2.50	
Tract 57	2.10	
Tract 58		43.99
29. T. 29 N., R. 111 W. sec. 17, SE1/4SW1/4		40.00
30. T. 26 N., R. 112 W. sec. 7, Lot 5		19.57
31. T. 26 N., R. 113 W. sec. 14, Lot 4, SW1/4SE1/4		71.15
32. T. 27 N., R. 115 W. sec. 7, E1/2SE1/4		80.00
33. T. 29 N., R. 114 W. sec. 25, SE1/4SW1/4		40.00
34. T. 29 N., R. 113 W.		

sec. 13, SW1/4NE1/4		40.00
35. T. 29 N., R. 112 W. sec. 9, SE1/4SW1/4, N1/2SW1/4SE1/4		60.00
36. T. 30 N., R. 112 W. sec. 7, Lots 2, 3		30.90
37. T. 30 N., R. 114 W. sec. 10, SW1/4NW1/4, SW1/4		200.00
38. T. 30 N., R. 114 W. sec. 5, SW1/4, W1/2SE1/4, SE1/4SE1/4 sc. 8, N1/2N1/2, S1/2NE1/4	280.00 240.00	 520.00
39. T. 31 N., R. 114 W. sec. 24, SW1/4SE1/4		40.00
40. T. 31 N., R. 113 W. sec. 19, Lot 3		42.51
41. T. 32 N., R. 114 W. sec. 22, S1/2S1/2 sec. 26, NW1/4NW1/4 sec. 27, N1/2	 160.00 40.00 320.00	 520.00
42. T. 34 N., R. 112 W. sec. 15, W1/2NE1/4, E1/2NW1/4		160.00
43. T. 34 N., R. 113 W. sec. 5, S1/2SE1/4		80.00
44. T. 34 N., R. 113 W. sec. 6, SE1/4NE1/4		40.00
45. T. 35 N., R. 113 W. sec. 18, Lot 4, SE1/4SW1/4	70.92	

sec. 19, Lot 1, NE1/4NW1/4	71.02	141.94
46. T. 26 N., R. 113 W. sec. 7, N1/2NE1/4NW1/4SE1/4		5.00
TOTAL		4,921.83
Community Expansion Areas		
1. T. 34 N., R. 109 W. sec. 25, NW1/4SW1/4 sec. 26, E1/2NE1/4SE1/4		60.00
2. T. 34 N., R. 109 W. sec. 26, NW1/4NE1/4SE1/4, E1/2NE1/4NW1/4SE1/4, NW1/4NE1/4NW1/4SE1/4		17.50
3. T. 33 N., R. 110 W. sec. 2, Lot 1, N1/2SE1/4NE1/4		60.86
4. T. 31 N., R. 108 W. sec. 3, S1/2SW1/4SW1/4		20.00
5. T. 30 N., R. 111 W. sec. 22, E1/2NW1/4		80.00
6. T. 30 N., R. 111 W. sec. 17, NE1/4SE1/4, S1/2SE1/4 sec. 20, NE1/4, S1/2NW1/4, NE1/4SE1/4, S1/2SE1/4 sec. 29, E1/2NE1/4, E1/2NW1/4NE1/4, NE1/4SE1/4		620.00
7. T. 26 N., R. 112 W sec. 6, Lots 3, 4, 5, 9, 12-29,		

SE1/4NW1/4 T. 27 N., R. 112 W. sec. 31, Lots 3, 4, 9-11, W1/2NE1/4, E1/2NW1/4, E1/2SW1/4, W1/2SE1/4		602.02
TOTAL		1,460.38
Exchange Parcels (exchange only)		
1. T. 36 N., R. 112 W. sec. 3, Lot 2, SW1/4NE1/4, SW1/4, W1/2SE1/4		318.02
2. T. 36 N., R. 112 W. sec. 5, S1/2 sec. 6, SE1/4 sec. 7, Lots 3, 4, E1/2SW1/4, E1/2 Sec. 8, N1/2, N1/2S1/2 sec. 9, S1/2N1/2, S1/2 sec. 10, W1/2SW1/4, SE1/4SW1/4, SW1/4SE1/4 sec. 15, NW1/4NW1/4 sec. 18, Lots 1, 2, 3, 4, E1/2W1/2 T. 36 N., R. 113 W. sec. 13, E1/2NE1/4, SE1/4	320.00 160.00 479.23 480.00 480.00 160.00 40.00 319.04 240.00	2,678.27
3. T. 36 N., R. 112 W. sec. 19, N1/2NE1/4		80.00
4. T. 36 N., R. 112 W. sec. 21, W1/2		320.00

5. T. 36 N., R. 112 W. sec. 14, W1/2NE1/4, N1/2NW1/4, SE1/4 sec. 23, E1/2	320.00 320.00	640.00
6. T. 36 N., R. 112 W. sec. 13, E1/2 T. 36 N., R. 111 W. sec. 18, Lots 1, 2, 3, 4	320.00 142.80	
7. T. 37 N., R. 110 W. sec. 33, NW1/4SW1/4		40.00
9. T. 35 N., R. 113 W. sec. 13, SW1/4NW1/4NW1/4SW1/4, SW1/4NW1/4SW1/4, NW1/4SE1/4NW1/4SW1/4, S1/2SE1/4NW1/4SW1/4, S1/2S1/2 sec. 14, E1/2SW1/4, SE1/4 sec. 23, E1/2, E1/2NW1/4, SW1/4 sec. 24, N1/2 sec. 26, NE1/4, N1/2NW1/4, N1/2SE1/4 sec. 27, N1/2NE1/4, NE1/4NW1/4	180.00 240.00 560.00 320.00 320.00 120.00	1,740.00
10. T. 34 N., R. 112 W. sec. 11, SE1/4SW1/4 sec. 14, NW1/4NE1/4, N1/2NW1/4	40.00 120.00	160.00
11. T. 34 N., R. 108 W.		

sec. 7, NE1/4, N1/2SE1/4, SW1/4SE1/4 sec. 8, NW1/4NW1/4	280.00 40.00	320.00
12. T. 34 N., R. 108 W. sec. 18, Lots 1, 2, 3, 4, E1/2NW1/4, NE1/4SW1/4		278.62
13. T. 34 N., R. 109 W. sec. 25, Lots 1-16, NE1/4NW1/4, S1/2NW1/4, NE1/4SW1/4, S1/2SW1/4 sec. 26, S1/2NE1/4NE1/4NE1/4, NW1/4NE1/4NE1/4, S1/2NE1/4NE1/4, NW1/4NE1/4, S1/2NE1/4, NW1/4, N1/2SW1/4, SW1/4NE1/4SE1/4, SW1/4NE1/4NW1/4SE1/4, W1/4NW1/4SE1/4, S1/2NW1/4SE1/4 sec. 27, Lots 1-7, 11-20, NW1/4NE1/4, S1/2NE1/4, NE1/4NW1/4, NE1/4SE1/4	280.480 437.500 237.863	955.843
14. T. 34 N., R. 108 W. sec. 26, S1/2SE1/4		80.00
15. T. 34 N., R. 108 W. sec. 34, Lots 3 and 4, S1/2NE1/4, SE1/4NW1/4, NE1/4SW1/4, N1/2SE1/4	313.98 120.00	

sec. 35, S1/2NW1/4, NW1/4SW1/4		433.98
16. T. 33 N., R. 108 W. sec. 4, S1/2NE1/4		80.00
17. T. 33 N., R. 108 W. sec. 21, SE1/4 sec. 27, S1/2 sec. 28, E1/2 sec. 33, NE1/4, NE1/4SE1/4 sec. 34, W1/2, N1/2NE1/4, SW1/4NE1/4, SW1/4SE1/4 T. 32 N., R. 108 W. sec. 4, Lot 4, SW1/4NW1/4, W1/2SW1/4 sec. 5, Lot 1, SE1/4NE1/4 sec. 9, W1/2NW1/4	 160.00 320.00 320.00 200.00 480.00 155.12 75.02 80.00	 1,790.14
18. T. 32 N., R. 108 W. sec. 21, SW1/4SW1/4		40.00
19. T. 32 N., R. 108 W. sec. 28, SW1/4NW1/4		40.00
20. T. 33 N., R. 106 W. sec. 30, Lots 3 and 4, E1/2SW1/4		157.24
21. T. 33 N., R. 114 W. sec. 10, all		640.00
22. T. 31 N., R. 114 W. sec. 22, SW1/4SE1/4 sec. 26, all sec. 27, NE1/4, NE1/4NW1/4, S1/2NW1/4, N1/2SW1/4,	 40.00 640.00 480.00	

SW1/4SW1/4, NE1/4SE1/4 sec. 28, SE1/4SW1/4, SE1/4 sec. 33, N1/2N1/2	200.00 160.00	1,520.00
23. T. 30 N., R. 112 W. sec. 7, S1/2NE1/4, N1/2SE1/4 sec. 8, SW1/4NE1/4, S1/2NW1/4, N1/2SW1/4, SW1/4SE1/4 sec. 17, NW1/4NE1/4	160.00 240.00 40.00	440.00
24. T. 31 N., R. 111 W. sec. 14, E1/2, SE1/4NW1/4, E1/2SW1/4 sec. 23, NE1/4NE1/4		480.00
25. T. 31 N., R. 110 W. sec. 21, Lots 3, 4, 5, 6, and 8, NW1/4NW1/4, S1/2NW1/4, NE1/4SW1/4, W1/2SE1/4 sec. 28, NW1/4NE1/4	103.92 280.00	383.92
26. T. 31 N., R. 109 W. sec. 28, Lot 2		2.18
27. T. 30 N., R. 109 W. sec. 5, Lots 2 and 5		66.78
28. T. 30 N., R. 109 W sec. 7, Lot 10		7.42
29. T. 29 N., R. 111 W. sec. 3, Lot 6		10.50
30. T. 29 N., R. 111 W. sec. 2, Lots 5, 14, 15		34.51
31. T. 29 N., R. 111 W. sec. 28, Lot 5		9.18

32. T. 26 N., R. 115 W. sec. 31, Lots 6, 7, 10, 11 T. 25 1/2 N., R. 115 W. sec. 31, Lot 4	120.94 18.68	 139.62
33. T. 35 N., R. 109 W. sec. 19, Lot 2		37.08
34. T. 35 N., R. 109 W. sec. 19, N1/2SE1/4		80.00
TOTAL		14,546.103
Acquisition Parcels		
T. 32 N., R. 106 W. sec. 8, Lots 3-7, NE1/4, E1/2NW1/4, NE1/4SW1/4, N1/2SE1/4 sec. 9, NW1/4, S1/2		1,035.08
T. 33 N., R. 106 W. sec. 18, Lot 3 sec. 19, E1/2SW1/4, W1/2SE1/4		197.27
T. 33 N., R. 107 W. sec. 13, SW1/4, NE1/4SE1/4, W1/2SE1/4 sec. 14, SE1/4 sec. 15, SE1/4SE1/4 sec. 23, NE1/4		640.00

APPENDIX K

RANGELAND MONITORING PLAN FOR THE PINEDALE RESOURCE AREA

Introduction

The rangeland monitoring program is a multidisciplinary approach designed to measure progress towards the realization of the goals and objectives resulting from the land use planning process. This monitoring plan was prepared to provide for the implementation of the rangeland monitoring program in the Pinedale Resource Area. This plan will discuss when, where, and how studies will be implemented, as well as the types of data being collected, how the data will be evaluated, and who will participate in the process.

Allotment Categorization

The selective management process was developed to assist the Bureau in setting priorities for its management efforts. Through selective management, each allotment is placed in one of three categories (I, M, or C), depending on the applicable categorization criteria. Once categorized, the allotments are ranked in order of priority for a given level of management. Allotments for the resource area are listed by category in Appendix C-3. Monitoring studies would be installed on all "I" allotments and on "M" and "C" category allotments as needed. Monitoring intensity would be greater on "I" allotments than on "M" or "C" allotments.

Priorities for monitoring intensity will be assigned to I category allotments on the basis of resource conflicts and condition. Some I allotments should be monitored intensively; others may require less intensive monitoring and may be moved to the M category after implementing range improvement projects. The M and C allotments will be monitored at a lower intensity, with C allotments being monitored only if it will not reduce the amount of effort necessary for the I and M allotments.

Each allotment will be monitored for resource conditions, and effectiveness of management practices and facilities. This will include evaluation and analysis of monitoring data, and range inspection tours by BLM personnel and affected users to jointly evaluate on-the-ground conditions. Any necessary adjustments in stocking levels or other management practices including changes or additions to existing management facilities would be based on allotment monitoring and user consultation.

Objectives

For "I" Allotments (high intensity)

1. Identify grazing distribution problems and use patterns on each allotment prior to installation of trend studies.

2. Stratify each allotment to the level necessary to identify key management areas prior to installation of trend studies. Riparian areas and wet meadows will be considered in this process.

3. Identify areas of significant competition for forage and resolve these conflicts by adjusting stocking rates or seasons of use of competing species.

4. Identify key management species for each key area.

5. Determine range condition initially and trend starting five years from installation of trend studies on each allotment.

6. Provide management and monitoring intensity appropriate to improve range condition.

7. Determine current utilization levels in each allotment.

8. Determine actual use by livestock on each allotment.

9. Identify annual climatic patterns, which include precipitation. Soil temperature, soil moisture, and air temperature information will be obtained in selected key areas.

For "M" and "C" Allotments (low intensity; selected elements from the following list will be used)

1. Identify grazing distribution problems and use patterns, where necessary.

2. Identify areas of significant competition for forage and monitor only crucial habitats.

3. Stratify each allotment to a level necessary to identify key management areas. Riparian areas and wet meadows will be considered in this process.

4. Identify key management species for each key area.

5. Establish low intensity trend studies on only the most representative areas. Determine range site and range condition following development.

6. Provide appropriate management and monitoring intensity in order to maintain current range condition.

7. Determine current utilization levels in each allotment.

8. Determine actual use by livestock.

9. Identify general climatic patterns.

Monitoring Studies Methodology

Climate

Climatic data, along with actual use data, are used as a tool to help understand annual utilization and long-term trend patterns. There are 13 existing precipitation gauges (including a cooperative study with the University of Wyoming) on the Pinedale Resource Area. In addition, precipitation data from the National Climate Data Center and University of Wyoming Water Research Institute may be utilized.

Temperature data will also be used to assist in interpreting climatic effects on monitoring data. Temperature data will be obtained from National Climatic Data Center reports from sites at Big Piney, Cora, Merna, and Pinedale, Wyoming.

In addition to the prescription and temperature studies described above, soil moisture/temperature probes will be installed on selected key areas in "I" allotments where conflicts are sufficient to warrant this level of data.

Actual Use

Actual use is the grazing use made on an area by all classes of forage consumers. This information is necessary to provide a correlation between utilization and trend data. Considered alone, actual use data is essentially meaningless. When considered in conjunction with climate and utilization, adjustments in grazing capacity can be made.

Actual use data for livestock will be obtained from permittees/lessees by Certified Actual Use Reports at the end of specified grazing periods. In addition, unannounced field counts will be made each year on "I" allotments as time and money allow. Paint branding and ear tagging will also be used on "I" allotments where the potential for unauthorized use is greatest.

Utilization

Utilization is defined as the percent of the current year's growth consumed by animals during a given grazing period. These data are used in conjunction with actual use, climate, and possibly trend data to make stocking adjustments. This is done by comparing measured utilization rates with proper or allowable rates for a particular key species. Utilization techniques will also be used to assist in use pattern mapping. Several methods for obtaining utilization data (available for review in the resource area office) will be employed, including:

- Key Forage Plant Method for use pattern mapping.

- Ocular Estimate by Plot Method for key areas.

- Height-Weight Curves for key areas on selected "I" allotments.

- Paired Plot Method for riparian areas.

- Cole Browse Transect for wildlife or wildlife/livestock areas.

These data will be collected following the removal of livestock from a pasture or at the end of a grazing period for livestock or wildlife. The intensity with which these techniques will be applied will be highest in the "I" allotments. The "M" and "C" allotments will be monitored only to a level sufficient to identify changes in current range condition.

Trend

Trend is defined as the change in range condition over time. Trend data will indicate the direction of change in the general health of the range resource. These data will be used in conjunction with other monitoring data to assist in making adjustments in grazing use.

The primary tool used to evaluate trend in M, I, or C allotments will be permanently marked photo points.

Trend studies on "I" allotments may be of high intensity. These studies will include the installation of permanent plot transects. Existing 3-foot by 3-foot trend plots will be replaced with this method where they fall into the key area being monitored. However, these existing plots will continue to be photographed on the same sequence that the trend plot transects are being read.

Trend studies on "M" and "C" allotments will be of low intensity. Trend plots will be installed only on selected key areas to monitor for specific resource issues. To assist in this effort, an ocular estimate of species composition by weight will be used to establish a baseline for range condition in areas lacking soil survey data. This method will also be used as a check for future changes in range condition on these sites.

Trend studies will normally be read on a three to five year sequence, depending on the level of data required for each key area.

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Key Area and Key Species Selection

Key areas will be selected first on "I" allotments in approximately the same order as listed in Appendix C-3. Selection of key areas on "M" and "C" allotments may be integrated with the process for "I" allotments but no actions will occur on them at the expense of time that should be spent on higher priority allotments.

Some of the criteria to be considered in the selection of key areas include: range sites, vegetation types, use patterns, range improvements, kind and class of animal, wildlife crucial areas, and the physical feature of the allotment.

During the monitoring process, key species will be identified for each allotment. Selection of the key species will be tied directly to the management objectives for the allotment. Key species are generally an important component of a plant community and serve as an indicator of change. A key species may or may not be a forage plant. Problem species such as poisonous plants or species valuable for reducing erosion, which are not the most valuable forage species in the area, could be selected as key species. More than one key species may be selected for an allotment or key area within an allotment depending on management objectives and data needs.

Schedules and Personnel Requirements for Establishment and Reading of Studies

This monitoring plan was prepared with the assumption that funding will remain at, or near, existing levels for the foreseeable future. In this light, it is anticipated that the bulk of the monitoring load will have to be borne by the existing range staff.

The scheduling for implementation of this monitoring plan is dependent, in part, on the continued funding of the range site inventory. The range site inventory is completed on

approximately half the resource area and the remainder of the area does not have a soils inventory nor a range site inventory. The initial thrust of the monitoring program will be towards completion of the high "I" allotments. Low priority "I" as well as the "M" and "C" allotments will be addressed as completely as funding levels allow.

Coordination and Consultation

The rangeland monitoring program for the resource area is a multiple use effort whereby all affected interests will be given an opportunity to participate. Prior to implementation of this plan, any affected groups or individuals will be notified by mail of our intent and be furnished with a schedule covering the first group of allotments. Follow-up consultations will be made to those groups or individuals who expressed an interest in a given allotment to advise them of the time and place to meet for an initial field examination. This process will carry through all aspects of the monitoring program for each allotment.

Evaluation/Adjustment

Allotments will be evaluated on a predetermined schedule such as the end of a grazing cycle on allotments with AMPs or following one reading of all the trend studies on an allotment without AMPs. This process will be coordinated with all affected interests.

The results of these allotment evaluations will be used as a basis for making short or long term adjustments in grazing use. Short-term operational adjustments may be made immediately if the problem can be resolved through livestock management (e.g., herding, salting). Adjustments in stocking rates, seasons of use, or changes in kind of livestock will normally require two years of utilization, actual use, and climatic data. Trend data may also be used, if available, to make adjustments in stocking rates, seasons of use, etc.

If the monitoring data indicate that certain allotment objectives are not being met, the appropriate adjustments in the grazing operation will be made. These adjustments may range from the manipulation of livestock to changing stocking numbers or seasons of use.

The level of adjustment will be determined by the degree of divergence from the objective.

Allotment Monitoring Plans

Allotment monitoring plans will be prepared for all "High Priority I" allotments prior to initiation of the monitoring program. On allotments with AMPs, this will be included as a portion of the AMP. On allotments without AMPs, this plan will be included in the allotment file. The allotment monitoring plan will include, as a minimum, the following sections: public involvement and interdisciplinary approach; allotment issues; allotment objectives; intensity and type of studies; and the schedule for conducting, analyzing, and evaluating monitoring data.

Public Involvement and Interdisciplinary Approach

This section will document Bureau efforts to solicit public involvement.

Allotment Issues

This section will identify specific issues to be resolved by the management program prescribed for the allotment. The monitoring plan will provide the vehicle for measuring progress towards resolution of the issues. A discussion of the selective management category and accompanying justification will also be included.

Allotment Objectives

This section will contain a clear, concise list of allotment objectives to be monitored by the studies program.

Intensity and Type of Studies

This section will discuss the nature of the studies required to measure progress towards the allotment objectives identified above. A discussion of any special physical or management features for the allotment will also be included.

Schedule for Conducting, Analyzing, and Evaluating Monitoring Data

This section will show the schedule for collecting data for each monitoring technique. It will also provide a schedule for periodic analysis of data to determine if objectives are being met.

A modified version of this format may be used to document the monitoring effort on "lower priority I," "M," and "C" allotments. This plan will be retained in the studies section of the allotment file.

Appendix C-2 - Allotment Categorization

Selective Management Criteria by Category

Individual allotments were categorized based on interviews with permittees, field evaluation by BLM personnel, and identified resource use conflicts. The following criteria were considered during the allotment categorization.

These criteria were used as general guidelines, and as such, may not be totally representative of an entire individual allotment. The categorization is a dynamic process and if conflicts are identified in M category allotments, they may receive management attention through other resource activity planning (such as wildlife habitat management), or if needed, the category may be changed to I. Funding may be provided for M or C allotment improvements as priorities allow.

Maintenance Category (M)

Present range condition is satisfactory.

Allotments have moderate or high resource production potential and are producing near their potential (or trend is moving in that direction).

Present management is considered satisfactory.

Riparian areas are under satisfactory management and are not in a declining trend.

No serious conflicts exist with regard to current uses of resource.

Potential may exist for positive economic returns on public investments.

Improve Category (I)

Present range condition is unsatisfactory or in a declining trend.

Allotments have moderate to high resource production potential but are producing at low to moderate levels.

Present management is considered unsatisfactory.

Riparian areas are presently in a declining trend and management is unsatisfactory.

Serious resource use conflicts may exist and controversy is at a high level.

Potential for high return on public investment exists.

Custodial Category (C)

Present range condition is variable.

Allotments have relatively low resource production potential and are presently producing at or near their potential.

Present management appears satisfactory or is the only logical practice under existing resource conditions.

Riparian areas are either not present, or are not in a declining condition.

Limited resource conflicts and(or) controversy presently exist.

Potential for returns on public investment is low.

Selective Management Criteria by Situation

Range Condition

A professional judgment criteria used when there is a lack of ecological range site data. A subjective rating of what the area is now producing as compared to its potential.

Resource Potential

A professional judgment criteria used to determine the allotment's potential (capability) to improve. This criteria is based on the potential that exists for increased forage production, either naturally or artificially.

High Potential – I

Moderate Potential – M

Low Potential - C or M

Present Management Situation

A rating of allotments based on present range management practices.

Allotment is receiving satisfactory management - M or C

Allotment is receiving unsatisfactory management - I

Riparian Areas

A judgment of whether or not riparian vegetation is declining, static, or in an upward trend.

Declining trend - I

Static or upward trend - M or C

Resource Use Conflicts and (or) Controversy

Critical wildlife habitat areas, Wilderness Study Areas, ACECs, mining or oil and gas, and other conflicts that may exist.

Low level of conflict/controversy - M or C

High level of conflict/controversy - I

Economic Investment Potential

The potential for a positive economic return on investments.

High - I

May exist - M

Low - C

Ranking of Allotments in the Improve Category

The allotments in the improve category were ranked in priority order based upon professional judgment and problems and(or) conflicts. The current priority list is described in Appendix C-3.

APPENDIX L

ALLOTMENT DEVELOPMENT

Allotment Number	Allotment Name	Develop and Implement AMP	Change in Livestock Forage AUMs	Acreage of Vegetation Manipulation
"High Priority" I Allotments[2]				
2205	South LaBarge Common	Yes	1,221 (59)	11,871
2201	Upper North LaBarge	No	536 (25)	4,237
2077	North LaBarge Common	No	999 (790)	8,342
2035	Deer Hills Individual	No	112 (7)	944
2150	Deer Hills Common	Yes	38 (25)	355
2062	Bench Corral Individual	Yes	734	5,700
2028	Upper Bench Corral	Yes	393	2,792
2084	Lower Bench Corral	Yes	510	4,359
2051	Square Top Common	Yes	876	7,545
2173	Blue Rim Individual	Yes	420	4,723

2119	Soap Hole Common	Yes	84 (82)	508
I Allotments[2]				
2140	Gilchrest DLE	No	0	0
2134	Cranor Building	No	0	0
2127	McNinch Deer Hills	Yes	4 (3)	45
2129	West of Ranch	Yes	0 (7)	0
2073	Reardon Canyon	Yes	8 (15)	145
2171	Brodie Draw	Yes	63	490
2076	Flying W Fish Creek	Yes	33	261
2144	Horse Creek Lower	Yes	42	360
2007	Fayette Individual	Yes	5	29
2027	Mickelson-Bray	Yes	46	327
2115	North Pasture	Yes	6	99
2136	East of DLE	Yes	3	30
2174	Q5 Soap Hole	Yes	139	531
2053	Clark-Bloom	Yes	34	315
2200	Cora Y Common	Yes	45	333
2132	Marincic Mesa	Yes	1	27
2157	Hot Springs Pasture Individual	No	0	6

2156	Hot Springs Individual	No	0	4
2032	Dan Budd Deer Hills	No	43 (10)	447
2036	Dead Indian Dome	No	77	408
2006	Round Valley Ryegrass	No	328	1,419
2002	40-Rod Common	No	105	694
2071	Horse Creek Pasture No. 2	Yes	44	671
2095	Muddy Creek Individual	Yes	0	0
2194	LaBarge Unit Individual	No	30 (2)	157
2049	Mount Airy	Yes	123	1,586
2196	Johnson Ridge	Yes	75 (3)	355
2102	James Ryegrass	No	141	708
2056	Three Island Individual	Yes	23	219
2223	Lander Cutoff	Yes	0	0
2140	Gilchrest DLE	No	0	0
2134	Cranor Building	No	0	0
2127	McNinch Deer Hills	Yes	4 (3)	45
2129	West of Ranch	Yes	0 (7)	0
2073	Reardon Canyon	Yes	8 (15)	145

2171	Brodie Draw	Yes	63	490
2076	Flying W Fish Creek	Yes	33	261
2144	Horse Creek Lower	Yes	42	360
2007	Fayette Individual	Yes	5	29
2027	Mickelson-Bray	Yes	46	327
2115	North Pasture	Yes	6	99
2136	East of DLE	Yes	3	30
2174	Q5 Soap Hole	Yes	139	531
2053	Clark-Bloom	Yes	34	315
2200	Cora Y Common	Yes	45	333
2132	Marincic Mesa	Yes	1	27
2157	Hot Springs Pasture Individual	No	0	6
2156	Hot Springs Individual	No	0	4
2032	Dan Budd Deer Hills	No	43 (10)	447
2036	Dead Indian Dome	No	77	408
2006	Round Valley Ryegrass	No	328	1,419
2002	40-Rod Common	No	105	694
2071	Horse Creek	Yes	44	671

	Pasture No. 2			
2095	Muddy Creek Individual	Yes	0	0
2194	LaBarge Unit Individual	No	30 (2)	157
2049	Mount Airy	Yes	123	1,586
2196	Johnson Ridge	Yes	75 (3)	355
2102	James Ryegrass	No	141	708
2056	Three Island Individual	Yes	23	219
2223	Lander Cutoff	Yes	0	0
2140	Gilchrest DLE	No	0	0
2134	Cranor Building	No	0	0
2127	McNinch Deer Hills	Yes	4 (3)	45
2129	West of Ranch	Yes	0 (7)	0
2073	Reardon Canyon	Yes	8 (15)	145
2171	Brodie Draw	Yes	63	490
2076	Flying W Fish Creek	Yes	33	261
2144	Horse Creek Lower	Yes	42	360
2007	Fayette Individual	Yes	5	29
2027	Mickelson-Bray	Yes	46	327
2115	North Pasture	Yes	6	99
2136	East of DLE	Yes	3	30

2174	Q5 Soap Hole	Yes	139	531
2053	Clark-Bloom	Yes	34	315
2200	Cora Y Common	Yes	45	333
2132	Marincic Mesa	Yes	1	27
2157	Hot Springs Pasture Individual	No	0	6
2156	Hot Springs Individual	No	0	4
2032	Dan Budd Deer Hills	No	43 (10)	447
2036	Dead Indian Dome	No	77	408
2006	Round Valley Ryegrass	No	328	1,419
2002	40-Rod Common	No	105	694
2071	Horse Creek Pasture No. 2	Yes	44	671
2095	Muddy Creek Individual	Yes	0	0
2194	LaBarge Unit Individual	No	30 (2)	157
2049	Mount Airy	Yes	123	1,586
2196	Johnson Ridge	Yes	75 (3)	355
2102	James Ryegrass	No	141	708
2056	Three Island Individual	Yes	23	219
2223	Lander Cutoff	Yes	0	0

M ALLOTMENTS				
2034	Adjacent to Ranch	No	12	22
2015	Antelope Flat	No	80	161
2135	Ball Individual	No	5	97
2133	Ball Horse Creek	No	17	59
2141	Beaver Creek Individual	No	22	242
2142	Beaver Creek Meadows	No	0	0
2152	Beaver Horse Creek	No	100	394
2065	Beecher Individual	No	57	254
2192	Big Sandy Individual	No	6	56
2021	Boulder Creek Tract	No	5	46
2020	Boulder Lake Common	No	126	743
2122	Boulder Stock Driveway	No	18	81
2117	Boulder Pasture	No	0	5
2024	Bousman Individual	No	158	1,008
2033	Budd Fish Creek	No	17	191

2050	Burch Individual	No	1	16
2191	Butte Individual	No	0	0
2038	Buyer Horse Creek	No	68	337
2064	Camp Creek Individual	No	104	464
2158	Canyon Ditch	No	25	110
2185	Chain Lakes	No	42	157
2168	Chalk Butte	No	7	103
2041	Chapel Individual	No	12	294
2047	Circle 9 Individual	No	0	0
2054	Cora Peak Individual	No	29	155
2220	Cora Road Individual	No	12	42
2221	Cora Stock Driveway	No	125	583
2097	Cottonwood Common	No	54	476
2042	Cottonwood Meadow	No	0	17
2052	Cowley Tract	No	0	15
2057	Dack	No	33	133
2000	Daniel Ridge	No	11	22
2147	Daniel Y Individual	No	20	209

2040	Desert Common	No	57	793
2026	Desert Land Entry	No	0	2
2203	Ditch Individual	No	6	41
2100	Dry Piney Individual	No	0	0
2011	East Cora Road Individual	No	0	0
2012	East Cora Road Meadow	No	15	30
2022	East Fork Common	No	110	953
2029	Ed Roe	No	16	78
2061	Eubank South LaBarge	No	0	0
2188	Fall Creek Individual	No	9	33
2046	Fall Creek Pasture	No	1	6
2014	Fish Hatchery Individual	No	11	61
2081	Fox-Yose LaBarge Creek	No	91	941
2009	Fremont Butte Common	No	231	2,021
2181	Fremont Butte Individual	No	58	616
2044	Fremont Lake	No	5	93

	Individual			
2048	Gilligan Individual	No	21	114
2004	Glascow Individual	No	6	18
2167	Green River Unit	No	5	21
2143	Grindstone Soap Hole	No	20	129
2086	Guio Sections	No	123	482
2177	Hay Draw Individual	No	12	34
2126	Hay Gulch	No	37	307
2019	Heifer Pasture	No	15	28
2096	Hittle Individual	No	12	30
2151	Hoback Rim Individual	No	123	389
2146	Home Pasture Individual	No	13	149
2003	Homestead Individual	No	9	31
2189	Horse Creek Bluff Individual	No	0	0
2108	Horse Creek Isolated	No	5	21
2030	Horse Creek Individual	No	14	79
2088	Horse Creek	No	92	734

	Ryegrass Individual			
2070	Horse Creek Pasture No. 1	No	7	16
2145	Horse Creek Upper	No	15	134
2180	Irish Canyon Tract	No	3	33
2018	Isolated Tract	No	14	91
2107	J&K Daniel Ridge	No	9	101
2118	Jewett Ryegrass	No	86	803
2067	Johnson Huhtah Individual	No	26	182
2099	Jory Individual	No	3	15
2075	LaBarge Creek Ranch Individual	No	0	0
2091	LaBarge Individual	No	58	412
2055	Lauzer Marsh Creek	No	30	131
2104	Long Pasture	No	52	123
2017	Lower Pasture Individual	No	52	347
2137	Lower Red Canyon	No	23	128
2124	Luman	No	60	299

	Individual			
2039	Maki Creek	No	19	91
2098	McKinsey Individual	No	0	0
2193	Merna Horse Creek	No	7	29
2031	Mesa Common	No	295	3,510
2148	Miller Daniel Ridge	No	11	93
2178	Miller Home Place	No	0	0
2149	Miller Piney Individual	No	0	0
2186	Muddy Corral Individual	No	3	19
2187	189 Muddy Meadows	No	0	0
2112	Muddy Meadows	No	3	5
2068	Muleshoe Individual	No	0	0
2113	New Fork Individual	No	0	0
2160	Noble Cora Peak	No	59	371
2159	Noble Tracts	No	10	52
2161	Norris North Piney	No	14	54
2175	North Beaver Tracts	No	34	126

2169	North Hoback Rim	No	8	135
2123	NW Square Top	No	190	1,333
2163	O'Neil Individual	No	4	94
2155	Piney Bridge Individual	No	8	87
2166	Pine Creek	No	4	33
2139	Piney Individual	No	21	137
2222	Price-Beecher	No	10	37
2172	Price-Horse Creek	No	7	80
2176	Q5 Antelope Flat Individual	No	22	88
2138	Rathburn Individual	No	30	94
2025	Red Canyon	No	185	1,108
2090	Rief Allotment	No	14	37
2103	Reservoir Pasture	No	16	82
2205	Round Valley Ryegrass Individual	No	307	1,922
2059	Ryegrass Individual	No	38	387
2083	Sagebrush Basin	No	6	111
2184	Sandy Fenced	No	11	92

2110	Sandy Upper Muddy Meadow	No	4	60
2153	Scab Creek	No	77	1,186
2066	School Section Individual	No	30	348
2128	Section 18 Individual	No	5	50
2183	Soda Lake Common	No	27	190
2182	South Horse Creek	No	1	11
2131	South Ridge Soap Hole	No	11	123
2116	Southwest Pasture	No	10	87
2195	South Piney Individual	No	12	127
2074	South Piney Ranch	No	16	153
2072	Spade Individual	No	139	483
2197	Springman Creek	No	30	237
2130	Star Corral	No	15	129
2016	State Section	No	17	33
2008	Stud Horse Butte	No	223	1,422
2190	Steele Individual	No	35	250

2105	Todd Pasture	No	1	7
2085	Upper Billies Individual	No	425	1,676
2063	Upper Muddy Individual	No	376	1,083
2087	Upper Post	No	2	69
2202	Viola Allotment	No	0	0
2069	Warren Bridge Individual	No	13	40
2101	Webb Draw Pasture	No	103	400
2164	West Cora Peak	No	52	378
2121	West Fremont Ridge	No	54	304
2037	West Individual	No	123	363
2013	Willow Lake Tract	No	3	14
2204	Yose Individual	No	9	123
C ALLOTMENTS				
2198	Beaver Tract Individual	No	0	0
2206	Bird Individual	No	0	6
2058	Bloom Tracts	No	0	0
2125	Bondurant Individual	No	0	0

2217	Cottonwood Gap	No	0	2
2082	East Fork River Tract	No	0	4
2162	5-Acre Pasture	No	0	0
2010	Fontenelle Meadows	No	0	0
2080	Fox-LaBarge Individual	No	0	9
2089	Hansen Tract	No	0	2
2094	Hicks Pinedale Individual	No	2	12
2199	Horse Creek Road	No	0	5
2109	Individual Fenced	No	0	13
2078	Johnson Place Meadow	No	0	0
2225	New Fork Tract Isolated	No	0	0
2045	Pasture Pole Creek	No	0	3
2120	Piney Unit Fenced	No	3	23
2043	Pole Creek Individual	No	0	0
2165	Rosene Individual	No	7	19
2060	Ryegrass Isolated Tract	No	0	11

2111	Sandy Individual	No	2	25
2114	Scattered Tracts	No	6	33
2154	Silver Creek	No	4	8
2079	South Piney Place Meadow	No	0	0
2179	Spence Place Individual	No	0	19
2106	Webb Home Pasture	No	2	51

APPENDIX M

STANDARD OPERATING PROCEDURES FOR RANGE IMPROVEMENTS AND VEGETATION MANIPULATIONS

These operating procedures provide standard guidance for all range improvements and vegetation manipulations.

Consultation with the affected interest groups and an approved environmental analysis would be required for all range improvements before any project is constructed.

Roads or trails to new construction or project sites would be constructed only if access does not exist.

Proposed range improvements, resulting in surface disturbance, would be inventoried for archeological features. All archeological sites identified would be avoided or mitigated.

If undiscovered cultural remains are encountered during construction, the operator would temporarily discontinue activities until BLM evaluates the discovery and determines the appropriate action.

Proposed range improvements resulting in surface disturbance would be subject to the guidelines established in Appendix A-1.

No action would be taken by BLM that could jeopardize the continued existence of any federally listed threatened or endangered plant or animal species.

BLM would also comply with any state laws applying to animal or plant species identified by the state as being threatened or endangered (in addition to the federally listed species).

Wildlife escape devices would be installed and maintained in all water troughs.

An analysis of cost effectiveness would be completed on an allotment basis prior to the installation of any management facilities or land treatments funded by the BLM.

All areas where vegetation manipulation occurs would be totally rested from livestock grazing for a period necessary to allow for the recovery and reestablishment of key forage species.

Chemical treatment would consist of applying approved chemicals to control noxious or poisonous plants. Before chemicals are applied, the BLM would comply with Department of Interior regulations. All chemical applications would be preceded by an approved pesticide use proposal and an environmental assessment. All applications would be carried out in compliance with the pesticide laws for Wyoming.

All land treatment projects on crucial wildlife ranges will be limited in size, where necessary, by the cover and(or) forage requirements of wildlife. Proper mitigation measures would be incorporated.

All burning projects will have a burn plan, environmental assessment, and a burn permit from the State of Wyoming's Department of Environmental Quality prior to initiation.

Appendix C-4 - Standard Operating Procedures for Range Improvements and Vegetation Manipulations

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APPENDIX N

DESIGN OF RANGE IMPROVEMENTS

All range improvements will be designed and constructed in such a manner so as to minimize environmental impacts while maximizing function and cost effectiveness.

Prior to the installation of any range improvements, an environmental assessment (EA) will be prepared analyzing the alternatives for the project. In addition, a benefit/cost analysis (B/C) will be completed, if government funding is involved, to determine the cost effectiveness of the project.

Brush Control

Brush control refers to the removal of a shrub or tree overstory to release the grass and forb understory from the effects of competition for soil nutrients and water.

The techniques involved in brush control generally fall into one of three categories: burning, chemical, or mechanical.

Burning involves the use of fire under prescribed conditions to change the character of the vegetative community. This technique takes advantage of the relative fire tolerance between plant species. Prescribed burning is most useful in removing a dominant fire sensitive overstory species, such as big sagebrush, thereby opening up the community to the natural response of fire tolerant grasses, forbs and shrubs. Prescribed fire can also be useful in preparing a seedbed for artificial reseeding.

The main disadvantage to prescribed burning is its harsh initial impact on the site. Initially, ground cover is greatly reduced, erosion potential is increased, wildlife habitat is reduced and forage production is decreased. Reestablishment of vegetation on the site can be quite slow but usually results in increased productivity, palatability and species diversity while erosion potential is decreased over pretreatment levels. The cost of prescribed burning is low compared to other techniques.

Chemical treatments involve the use of ground or aerially applied herbicides to target species to reduce their competitive effect on more desirable species. Many classes of herbicides exist and they all vary in action, selectivity, and persistence. However, relatively few compounds are approved for use in brush removal on public lands. These compounds are usually selective for broadleaf vegetation and leave only grasses and tolerant forb and shrub species after treatment. If, for instance, the target species is sagebrush, few species other than grasses will exist immediately following application. However, by the next growing season the seed source for other species will begin to express itself as a result of reduced overstory competition. Generally by the end of the first complete growing season, increased understory productivity and species diversity are evident. Chemical treatments have less total impact on the site than burning or mechanical treatments but are usually more expensive than burning. In addition, the seedbed resulting from a chemical treatment is usually not as suitable for reseeding due to the amount of standing litter.

Mechanical treatments involve the use of agricultural equipment to simply remove the overstory or to consume the entire community and leave a suitable seedbed.

Techniques and implements are highly variable but all share the disadvantage of high cost.

All of the above brush control techniques can be used to prepare a seedbed suitable for artificial reseeding. Where needed, reseeding is a viable technique to establish a more desirable plant community. However, seed and application costs can be high and are sometimes difficult to prove cost effective. Wherever possible, techniques used and sites chosen on the Pinedale Resource Area will be those that lend themselves to natural regeneration.

Vegetation manipulation (controlled burning, mechanical treatment, artificial seeding, etc.) will generally be designed in irregular patterns creating more "edges," with islands of vegetation left intact for cover, with the exception of drainages where active channel incision is occurring or in areas where saline or sodic soils are present. Manipulation

proposals are handled on a case-by-case basis, followed with animal control to ensure reestablishment of vegetation.

Reservoirs

Reservoirs are constructed by heavy earth-moving equipment that is used to build dikes across drainages. The impoundments created are designed to catch temporary runoff or permanent streamflow to provide a more reliable source of water for livestock and wildlife. Design requirements are determined mainly by the nature and amount of source water. Upstream fencing is sometimes desirable to provide riparian habitat and reduce the silt load entering the reservoir.

Water will be provided for wildlife in appropriate habitat areas (spring/summer/fall habitat areas). Whenever possible, water will be provided in allotments (including rested pastures) during seasonal periods of need for wildlife.

Wells

Wells are usually drilled in areas where other water sources are unavailable to provide a reliable water source for livestock and wildlife. Drinking troughs will be installed near the well and will be modified to serve young and mature animals as well as small game and birds. Well sites will be selected based on geologic well site investigations.

Springs

Spring sources are usually developed with a backhoe or other implement designed to expose the aquifer. Source points are gathered into a central point or head box through a perforated pipe and diverted into a pipeline or drinking trough. The spring source will be fenced for protection and to provide riparian habitat. A wildlife drinking trough may be located within the enclosure. The livestock trough will be located outside the enclosure and will also be modified for use by wildlife.

Pipelines

Pipelines consist of plastic, usually polyethylene, pipe buried by mechanical pipe laying implements to a depth necessary to maximize the life and efficiency of the pipe material. Pipelines originate at spring sources or wells and are used to distribute water to unserviced areas. Drinking troughs are situated along the pipeline, usually no more than one mile apart, to distribute use throughout the area.

Fences

Fences are constructed to provide management boundaries such as to provide pastures or outside boundaries for a grazing allotment. Because of the potential for impact to wildlife movement, fence design is highly variable. Wire would be smooth, barbed, mesh, or combined, dependent on the wildlife species involved. Steel line posts will be spaced a minimum of 16.5 feet apart. Wooden braces will usually be spaced one-quarter mile apart. Fences may be modified in heavy snow or animal migration areas by using wood poles.

Cattleguards

Cattleguards will be installed where fences cross heavily traveled roads or in situations where opened gates would severely compromise management. Cattleguard grids vary in weight and size requirements, but usually require a backhoe to install.

APPENDIX O

OIL AND GAS OPERATIONS

Geophysical Management (Permitting Process)

Geophysical operations on and off an oil and gas lease are reviewed by the federal surface management agency.

The responsibilities of the geophysical operator and the BLM District Manager during geophysical operations are described in USDI 1978:

1. Geophysical Operator - The operator is required to file, in person or by mail, a "Notice of Intent to Conduct Oil and Gas Exploration Operations" for all operations on public lands administered by BLM. Form WY-04-3045-6 is available in all BLM District Offices. The notice includes maps showing the location of the line, and all access routes, and must be filed in the BLM Resource Area Office before operations begin.

The operator is also required to be bonded. A copy of the bond or other evidence of satisfactory bonding shall accompany the "Notice of Intent." Proper bonding can include a nationwide or statewide oil and gas bond with a rider for geophysical exploration or a $5,000 individual surety bond filed with the District Manager.

Once the Notice of Intent has been filed, a prework conference or field inspection (if required) is conducted. Any special written instructions, orders, or approvals that may be given by the area manager at this prework conference must be complied with by the operator.

Surface-disturbing activities, such as bulldozing, require written approval by the area manager. Operators may be required to submit an archeological survey if dirt work is contemplated. The operator is required to comply with all applicable federal, state, and local laws such as the Federal Land Policy and Management Act of 1976, Historic Preservation Act of 1966, Threatened and Endangered Species Act, etc.

Any changes in the original Notice of Intent must be submitted in writing to the area manager. Written approval must be secured before activities proceed.

When operations are completed, the operator is required to file a Notice of Completion of Geophysical Exploration, after any required rehabilitation work is completed.

2. BLM Area Manager - The area manager is required to contact the operator immediately after the Notice of Intent is filed and explain the terms of the Notice, including the operating procedures to be followed, all current laws, and all BLM administrative requirements. A prework conference or field inspection is conducted and written instructions or orders given to the operator. The area manager is responsible for the examination of resource values and the development of appropriate surface protection and reclamation measures.

Final inspection following filing of the Notice of Completion is also required of the area manager.

State Standards

In Wyoming, the operator is required to register with the State. State standards for plugging shot holes, personnel safety, etc., will be followed.

Mitigation

Standard surface disturbance mitigations are applied as necessary (Appendix A-1) in accordance with the RMP decisions.

The most critical management practice is compliance monitoring during and after seismic activity. Compliance inspections during the operation ensure that

stipulations are being followed. Compliance inspections upon completion of work ensure that the lines are clean and the drill holes are properly plugged.

Oil and Gas Leasing

The Mineral Leasing Act provides that all public lands are open to oil and gas leasing unless a specific order has been issued to close an area. Based on the Federal

Onshore Oil and Gas Leasing Reform Act of 1987, all leases must be exposed to competitive interest.

Lands which do not receive competitive interest will be available for noncompetitive leasing for a period not to exceed two years. Competitive sales will be held at least quarterly and by oral auction.

Competitive leases are issued for a term of 5 years or for as long as oil and(or) gas is produced. Noncompetitive leases are issued for a term of 10 years, or as long as production continues.

The federal government receives yearly rental fees on nonproducing leases. Royalty on production is received on producing leases, one half of which is returned to the state of Wyoming.

Drilling Permit Process

A federal lessee or operator is governed by procedures set forth by the Onshore Oil and Gas Order No. 1, "Approval of Operations on Onshore Federal and Indian Oil and Gas Leases," issued under 43 CFR 3164. Operating Order No. 1 lists the following as pertinent points to be followed by the lessee or operator: notice of staking (NOS); application for permit to drill (APD), which includes a multi-point surface use and operations plan; approval of subsequent operations; well abandonment; water well conversion; responsibilities on privately owned surface; and reports and activities required after well completion.

1. Notice of Staking (NOS) - After the company makes the decision to drill a well, they must decide whether to submit an NOS or application for permit to drill (APD). The NOS consists of an outline of what the company intends to do including a location map and sketched site plan. The NOS is used to review any conflicts with known critical

resource values, and also used at the on-site inspection to provide the preliminary data to assess what additional items are necessary to complete the APD.

2. Application for Permit to Drill (APD) - The operator or lessee may submit a completed APD in lieu of notice of staking, but in either case no surface activity is conducted in conjunction with the drilling until the APD is approved by the BLM.

If the APD option is used, an APD is submitted to the BLM and a field inspection is held with the operator and any other interested party. The purpose of the presite field inspection is to evaluate the operator's plan, to assess the situation for possible impacts (surface and subsurface), and to formulate resource protection stipulations. To lessen environmental impacts, a site may be moved, reoriented, or redimensioned, within certain limits, at the presite inspection. The proposed access road may also be rerouted (USDI 1981a). If necessary, site-specific mitigations are added to the APD for protection of surface and(or) subsurface resource values in the vicinity of the proposed activity.

The BLM is responsible for preparing environmental documentation necessary to satisfy the National Environmental Policy Act requirements and provide any mitigation measures needed to protect the affected resource values.

Consideration is also given to the protection of ground water resources. Plugging and abandonment procedures include measures to protect good quality ground water from contamination by hydrocarbons or poorer quality water. Drilling procedures for new wells also address ground water protection. Such protection is described in Appendix A-5.

When final approval is given by the BLM, the operator may commence construction and drilling operations. Approval of an APD is valid for one year. If construction does not begin within one year, the stipulations must be reviewed prior to approving another APD (USDI 1981a).

Issuance of Rights-of-Way

Rights-of-way are required for all facilities, tank batteries, pipelines, truck depots, powerlines, and access roads that occupy federally owned land outside the lease or unit boundary. When a third party (someone other than the oil or gas company and the federal government) constructs a facility or installation on or off the lease, a right-of-way is also required.

Plugging and Abandonment of Wells

The purpose of plugging and abandoning (P&A) a well is to prevent fluid migration between zones, to protect minerals from damage, and to restore the surface area. Each well has to be handled individually due to a combination of factors, including geology, well design limitations, and specific rehabilitation concerns.

Therefore, only minimum requirements can be established initially, then modified for the individual well.

The first step in the P&A process is the filing of the Notice of Intent to Abandon (NIA). This will be reviewed by both the Surface Management Agency (SMA) and the BLM District Office. The NIA must be filed and approved prior to plugging a past producing well. Verbal plugging instructions can be given for plugging current drilling operations, but an NIA must be filed after the work is completed. If usable fresh water was encountered while the well was being drilled, the SMA will be allowed, if interested, to assume future responsibility for the well and the operator will be reimbursed for the attendant costs.

The operator's plan for plugging the hole is reviewed. The minimum requirements are as follows: In open hole situations, cement plugs must extend at least 50 feet above and below zones with fluid which has the potential to migrate, zones of lost circulation (this type of zone may require an alternate method to isolate), and zones of potentially valuable minerals. Thick zones may be isolated using 100-foot plugs across the top and bottom of the zone. In the absence of productive zones and minerals, long sections of open hole may be plugged with 150-foot plugs placed every 2,500 feet. In cased holes,

cement plugs must be placed opposite perforations and extending 50 feet above and below except where limited by plug back depth.

A permanent abandonment marker is required on all wells unless otherwise requested by the SMA. This marker pipe is usually at least 4 inches in diameter, 10 feet long, 4 feet above the ground, and embedded in cement. The pipe must be capped with the well identity and location permanently inscribed.

The SMA is responsible for establishing and approving methods for surface rehabilitation and determining when this rehabilitation has been satisfactorily accomplished. At this point, a Subsequent Report of Abandonment can be approved.

APPENDIX P

WYOMING BLM STANDARD MITIGATION GUIDELINES FOR SURFACE-DISTURBING ACTIVITIES

Appendix C-1 of the draft RMP/EIS has been revised and reprinted in this document (this appendix) to clarify the meaning, intent, and use of the information presented. The evolution of these guidelines is described, from their beginnings as oil and gas lease stipulations to broader use for other land uses and how they are used in land use planning.

About three years ago, BLM developed the "Wyoming BLM Standard Oil and Gas Lease Stipulations." During implementation, it was recognized that various land uses, other than those related to oil and gas exploration and development, should be subject to similar kinds of environmental protection requirements. Using the standard oil and gas lease stipulations as a basis, development of the "Wyoming BLM Standard Mitigation Measures for Surface-Disturbing Activities" began.

The term "guidelines" better describes the intent and use of these mitigation standards than the terms "stipulations" or "measures." These guidelines are primarily for the purpose of attaining statewide consistency in how requirements are determined for avoiding and mitigating environmental impacts and resource and land use conflicts. Consistency in this sense does not mean that identical requirements would be applied for all similar types of land use activities that may cause similar types of impacts. Nor does it mean that the requirements or guidelines for a single land use activity would be identical in all areas.

There are two ways the standard mitigation guidelines are used in the RMP/EIS process: 1) as part of the planning criteria in developing the RMP alternatives, and 2) in the analytical processes of both developing the alternatives and analyzing the impacts of the alternatives. In the first case, an assumption is made that any one or more of the standard mitigations will be appropriately included as conditions of relevant actions being proposed or considered in each alternative. In the second case, the standard mitigations

are used 1) to develop a baseline for measuring and comparing impacts among the alternatives; 2) to identify other actions and alternatives that should be considered, and 3) to help determine whether more stringent or less stringent mitigations should be considered.

Some of the seasonal restrictions in the standard oil and gas lease stipulations contain the statement, "This limitation does not apply to long-term maintenance and operation of producing wells." These stipulations were developed specifically for application to oil and gas leases at the time of issuance. At lease issuance, the only action that can be generally contemplated is the possibility that exploratory drilling may occur somewhere on the lease area. Unfortunately, the provision has been interpreted to mean that the seasonal restriction disappears at the operational stage (i.e., if a producing well is attained). It must be understood that at both the exploration stage and the development stage, additional site specific environmental analyses are conducted and any needed restrictions or mitigations identified become part of the development or operational plan. For example, wells may continue to produce, but related activity may be limited. Thus, it is possible for such seasonal restrictions to be applicable to maintenance and operation of producing wells, if supported by the environmental analyses. The matter has further been confused by using the oil and gas stipulations to develop the more broadly applicable standard mitigations, by extending this provision to "...extended long-term operation and maintenance of the project." This is not appropriate for the broader context of the standard mitigation guidelines and the wording has been changed accordingly.

The RMP/EIS does not decide or dictate the exact wording or inclusion of these guidelines. Rather, the standard guidelines were used in the RMP/EIS process as a tool to help develop the RMP alternatives and to provide a baseline for comparative impact analysis in arriving at RMP decisions. These guidelines will be used in the same manner in analyzing activity plans and other site specific proposals. These guidelines and their wording are matters of policy. As such, specific wording is

subject to change primarily through administrative review, not through the RMP/EIS process. Any further changes that may be made in the continuing refinement of these

guidelines and any development of program specific standard stipulations will be handled in another forum, including appropriate public involvement and input.

Purpose

The purposes of the "Standard Mitigation Guidelines" are 1) to reserve, for the BLM, the right to modify the operations of all surface-disturbing activities as part of the statutory requirements for environmental protection, and 2) to inform a potential lessee, permittee, or operator of the requirements that must be met when using BLM-administered public lands. These guidelines have been written to provide a standard format that will allow for 1) their direct use as stipulations, and 2) the addition of specific or specialized mitigation following the submission of a detailed plan of development, or other project proposal, and an environmental analysis.

Those resource activities or programs currently without a standardized set of permit or operation stipulations can use the mitigation guidelines as conditions of approval or as a baseline for developing specific stipulations for a given activity or program.

Because use of the mitigation guidelines was integrated into the RMP/EIS process and will be integrated into the site specific environmental analysis process, the application of stipulations derived through the guidelines will provide more consistency with planning decisions and plan implementation than has occurred in the past. Application of the standard mitigation guidelines to all surface and other human presence disturbance activities on BLM-administered public lands will provide more uniformity in mitigation than has occurred in the past.

1. Surface Disturbance Mitigation Guideline

Surface disturbance will be restricted in any of the following areas or conditions. Modifications to this limitation may be approved in writing by the Authorized Officer.

a. Slopes in excess of 25 percent.

b. Within important scenic areas identified in a land use plan (Class I and II Visual Resource Management Areas).

c. Within 500 feet of surface water and(or) riparian areas.

d. Within either one-quarter mile or the visual horizon (whichever is closer) of historic trails.

e. Construction with frozen material or during periods when the soil material is saturated, frozen, or when watershed damage is likely to occur.

Guidance

The intent of the SURFACE DISTURBANCE MITIGATION GUIDELINE is to inform interested parties (potential lessees, permittees, or operators) that when one or more of the five (1a. through 1e.) conditions exists, surface-disturbing activities will be restricted or prohibited, unless or until the permittee or their designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation will occur prior to development.

Specific criteria (e.g., 500 feet from water) have been established, based upon the best information available. However, such items as geographical areas and seasons must be delineated at the field level.

Exception, waiver, or modification of requirements developed from this guideline must be based upon environmental analysis of proposals (e.g., plans of development, plans of operation, Applications for Permit to Drill) and, if necessary, must allow for other mitigation to be applied on a site specific basis.

2. Wildlife Mitigation Guideline

a. To protect important big game winter habitat, activities or surface use will not be allowed from November 15 to April 30 within certain areas encompassed by the authorization. The same criteria applies to defined big game birthing areas from May 1 to June 30. This limitation may or may not apply to extended long-term operation and

maintenance of a developed project, pending environmental analysis of any operational or production aspects.

Modifications to this limitation in any year may be approved in writing by the Authorized Officer.

b. To protect important raptor and(or) sage and sharp-tailed grouse nesting habitat, activities or surface use will not be allowed from February 1 to July 31 within certain areas encompassed by the authorization. The same criteria applies to defined raptor and game bird winter concentration areas from November 15 to April 30. This limitation may or may not apply to extended long-term operation and maintenance of a developed project, pending environmental analysis of any operational or production aspects.

Modification to this limitation in any year may be approved in writing by the Authorized Officer.

c. No activities or surface use will be allowed on that portion of the authorization area identified within (legal description) for the purpose of protecting (e.g., sage/sharp-tailed grouse breeding grounds, and(or) other species/activities) habitat.

Modifications to this limitation in any year may be approved in writing by the Authorized Officer.

d. Portions of the authorized use area legally described as (legal description), are known or suspected to be essential habitat for (Name) which is a threatened/endangered species. Prior to conducting any onsite activities, the lessee/permittee will be required to conduct inventories or studies in accordance with BLM and U.S. Fish and Wildlife Service (USFWS) guidelines to verify the presence or absence of this species. In the event that (Name) occurrence is identified, the lessee/permittee will be required to modify operational plans to include the protection requirements of this species and its habitat (e.g., seasonal use restrictions, occupancy limitations, facility design modifications).

Guidance

The WILDLIFE MITIGATION GUIDELINE is intended to provide two basic types of protection, seasonal restriction (a and b) and prohibition of activities or surface use (c). Item (d) is specific to situations involving threatened and endangered species. Legal descriptions will ultimately be required and should be measurable and legally definable. There are no minimum subdivision requirements at this time. The area delineated can and should be defined as necessary, based upon current biological data, prior to the time of processing an application and issuing the use authorization. The legal description must eventually become a condition for approval of the permit, plan of development, and(or) other use authorization.

The seasonal restriction section identifies three example groups of species and delineates three similar time frame restrictions. The big game species including elk, moose, deer, antelope, and bighorn sheep all require protection of crucial winter range between November 15 and April 30. Elk and bighorn sheep also require protection from disturbance from May 1 to June 30, when they typically occupy distinct calving and lambing areas. Raptors include eagles; accipiters; falcons (peregrine, prairie, and merlin); buteos (ferruginous and swainson's hawks); osprey; and burrowing owls. The raptors and sage and sharp-tailed grouse require nesting protection between February 1 and July 31. The same birds often require protection from disturbance from November 15 through April 30 while they occupy winter concentration areas.

Item 2c, the prohibition of activity or surface use, is intended for protection of unique wildlife habitat areas or values within the use area. These areas or values must be factors that limit life-cycle activities (e.g., sage grouse strutting grounds, known threatened and endangered species habitat) that cannot be protected using seasonal restrictions.

Exception, waiver, or modification of requirements developed from this guideline must be based upon environmental analysis of proposals (e.g., plans of development, plans of operation, Applications for Permit to Drill) and, if necessary, must allow for other mitigation to be applied on a site specific basis.

3. Cultural Resource Mitigation Guideline

When a proposed discretionary land use has potential for affecting the characteristics which qualify a cultural property for the National Register of Historic Places, mitigation will be considered. In accordance with Section 106 of the Historic Preservation Act, procedures specified in 36 CFR 800 will be used in consultation with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation in arriving at determinations regarding the need and type of mitigation to be required.

Guidance

The preferred strategy for treating potential adverse effects on cultural properties is "avoidance." If avoidance involves project relocation, the new project area may also require cultural resource inventory. If avoidance is imprudent or unfeasible, appropriate mitigation may include excavation (data recovery), stabilization, monitoring, protection barriers and signs, or other physical and administrative measures.

Reports documenting results of cultural resource inventory, evaluation, and the establishment of mitigation alternatives (if necessary) shall be written according to standards contained in BLM Manuals, the cultural resource permit stipulations and in other policy issued by the BLM. These reports must provide sufficient information for Section 106 consultation. Reports shall be reviewed for adequacy by the appropriate BLM archaeologist. If cultural properties on, or eligible for, the National Register are located within these areas of potential impact and cannot be avoided, the Authorized Officer shall begin the Section 106 consultation process in accordance with the procedures contained in 36 CFR 800.

Mitigation measures shall be implemented according to the mitigation plan approved by the BLM Authorized Officer. Such plans are usually prepared by the land use applicant's contract archaeologist according to BLM specifications. Mitigation plans will be reviewed as part of Section 106 consultation for National Register eligible or listed properties. The extent and nature of recommended mitigation shall be commensurate with the significance of the cultural resource involved and the anticipated extent of damage. Reasonable costs for mitigation will be borne by the land use applicant.

Mitigation must be cost effective and realistic. It must consider project requirements and limitations, input from concerned parties, and be BLM approved or BLM formulated.

Mitigation of paleontological and natural history sites will be treated on a case-by-case basis. Factors such as site significance, economics, safety, and project urgency must be taken into account when making a decision to mitigate. Authority to protect (through mitigation) such values is provided for in FLPMA, Section 102(8). When avoidance is not possible, appropriate mitigation may include excavation (data recovery), stabilization, monitoring, protection barriers and signs, or other physical and administrative protection measures.

4. Special Resource Mitigation Guideline

To protect (resource value), activities or surface use will not be allowed (i.e., **within a specific distance of the resource value or between date-to-date**) in *(legal subdivision).*

This limitation may or may not apply to extended long-term operation and maintenance of a developed project, pending environmental analysis of any operational or production aspects.

Modifications to this limitation in any year may be approved in writing by the Authorized Officer.

Example Resource Categories (Select or Identify Category and Specific Resource Value):

a. Recreation areas.

b. Special natural history or paleontological features.

c. Special management areas.

d. Sections of major rivers.

e. Prior existing rights-of-way.

f. Occupied dwellings.

g. Other (Specify).

Guidance

The SPECIAL RESOURCE MITIGATION GUIDELINE is intended for use only in site-specific situations where one of the first three general mitigation guidelines will not adequately address the concern. The resource value, location, and specific restriction must be clearly identified. A detailed plan addressing specific mitigation and special restrictions on development will be required prior to development and will become a condition for approval of the permit, plan of development, or other use authorization.

Exception, waiver, or modification of requirements developed from this guideline must be based upon environmental analysis of proposals (e.g., plans of development, plans of operation, Applications for Permit to Drill) and, if necessary, must allow for other mitigation to be applied on a site specific basis.

5. No Surface Occupancy Guideline

No surface occupancy will be allowed on the following described lands (legal subdivision/area) because of (resource value).

Example Resource Categories (Select or Identify Category and Specific Resource Values):

a. Recreation areas, (e.g., campgrounds, historic trails, national monuments).

b. Major reservoirs/dams.

c. Special management areas (e.g., ACEC, known threatened and endangered species habitat, wild and scenic rivers).

d. Other (Specify).

Guidance

The NO SURFACE OCCUPANCY (NSO) MITIGATION GUIDELINE is intended for use only when other mitigation is determined insufficient to adequately protect the public interest and is the only alternative to "no development" or "no leasing." The legal subdivision and resource value of concern must be identified and be tied to an NSO land use planning decision.

Waiver of or exception(s) to the NSO requirement will be subject to the same test used to initially justify its imposition. If, upon evaluation of a site-specific proposal, it is found that less restrictive mitigation would adequately protect the public interest or value of concern, then a waiver or exception to the NSO requirement is possible. The record must show that because conditions or uses have changed, less restrictive requirements will protect the public interest. An environmental analysis must be conducted and documented (EA or EIS, as necessary) in order to provide the basis for a waiver or exception to an NSO planning decision. If the waiver or exception is found to be consistent with the intent of the planning decision, they may be granted. If found inconsistent with the intent of the planning decision, a plan amendment would be required before the waiver or exception could be granted.

When considering the "no development" or "no leasing" option, a rigorous test must be met and fully documented in the record. This test must be based upon stringent standards described in the land use planning document. Since rejection of all development rights is more severe than the most restrictive mitigation requirement, the record must show that consideration was given to development subject to reasonable mitigation, including No Surface Occupancy. The record must also show that other mitigation was determined to be insufficient to adequately protect the public interest. A "no development" or "no leasing" decision should not be made solely because it appears that conventional methods of development would be unfeasible, especially where an NSO restriction may be acceptable to a potential permittee. In such cases, the potential permittee should have the opportunity to decide whether or not to go ahead with the proposal (or accept the use authorization), recognizing that an NSO restriction is involved.

Special Note Concerning Clarification of Application of Some of the Mitigation Guidelines Relative to the National Wildlife Federation and Enron Protests on the Proposed Resource Management Plan

The surface disturbance guidance for constructing with frozen material or during periods when soil material is saturated is applied mainly to emphasize the Bureau's responsibility to insure that good construction practices occurs on the public lands. Problems with sedimentation, siltation, and salinity are of national concern and mitigation has been recognized as necessary at the project level. It is also recognized that careless or improper construction results in loss of soil and impacts water quality. Similarly, good design and construction practices can mitigate concerns for protection of soil, watershed, and other resources.

Because of these concerns, winter construction should be avoided. Much depends upon the type of action and the project design. Proper design and implementation of protection measures can lead to benefits in constructing during the winter. The permittee is required to submit a plan addressing these concerns and provide specific measures for construction. The Bureau will consider any project proposal, but the burden is on the applicant to describe the design and construction techniques. If project designs and operations can mitigate environmental concerns, construction may be allowed.

In many cases, such construction may take place, especially in developed areas where projects are usually restricted to a small area and have short construction times. This is particularly the case for short flowlines and electric lines. Roads require more consideration. Hauling in materials to form a suitable road base could become an option. Structural fills should not be built with frozen or saturated material, as compaction cannot be adequate and the fill can fail. Construction of structural fills in such conditions cannot meet reasonable construction standards. Reservation of topsoil becomes another concern as topsoil cannot be readily separated and stockpiled from frozen material. Stockpiling of topsoil is necessary for reclamation procedures. Larger projects would require indepth review and consideration.

The mitigation restricting surface disturbance from November 15 to April 30 is applied to winter activities that would occur in crucial (and in specific cases such as a portion of the Bench Corral and Mesa areas, noncrucial) wildlife winter ranges. This is a restriction, not an exclusion. The purpose of this mitigation is to ensure quality habitat for wintering wildlife.

Application of the surface disturbance stipulation is generally applied to drilling and completion activities. This includes all activities associated with placing a well "on line" (e.g., drilling, completion, construction of production facilities, pipelines, power supplies, pits), or plugging and abandonment procedures. There are situations, however, such as the Riley Ridge project, where operational/maintenance activities are restricted or modified during the winter period. This type of special mitigation is determined during the project planning stage (EA or EIS). Therefore it behooves the operator to schedule such activities within the available "window" of operations unless an exception is granted.

Consideration is given to developed areas and the fact that animals can become acclimated to disturbance and various types of activities. However, cumulative impacts of existing disturbance, new disturbance, and overall habitat loss must be considered site specifically. Studies have indicated that animals are also affected by a disturbance factor, where traffic and motorized activities tend to increase the actual impacts to the animals. This factor increases the actual amount of habitat acreage lost and is particularly applicable to crucial ranges.

Many factors must be considered when analyzing the affects of a project occurring in crucial winter ranges during crucial winter periods. These factors include winter conditions (snow levels, wind chill, etc.), animal condition, other simultaneous ongoing activities, if sufficient habitat for displaced animals exists within the occupied habitat; type and duration of activities, and whether other mitigations are available.

Generally, ongoing development activity is expected to be completed before it enters into the restricted period. Applications for exception would be considered; if impacts to winter wildlife populations could be mitigated or found acceptable, or the animals were not utilizing the winter range, activities could be allowed. This has to be analyzed and

acceptable impacts and mitigations are documented. Environmental analysis, such as a field development or APD-related EA, may also identify areas or conditions that make it critical to cease ongoing operations during the restricted period. The factors listed previously would be taken into account in the analysis, prior to making specific determinations for shutdown of ongoing activities.

APPENDIX Q

CRITERIA FOR DETERMINING DEPTH OF FRESH WATER AND SURFACE CASING REQUIREMENTS

When processing an Application for Permit to Drill (APD), the geologist is required to identify the maximum depth of usable water as defined in 43 CFR 3162.5-2.

Usable water is defined as that water containing 5,000 milligrams per liter or less total dissolved solids. Water of this quality is to be protected, usually by surface casing and cement.

Determining the depth to fresh water requires specific water quality data in the proposed well vicinity or geophysical log determination of water quality (by the resistivity method), depending on existing well proximity and log availability. If water quality data or logs from nearby wells are not available, the area within a two-mile radius of the proposed well is checked for water wells. If wells exist, surface casing is required to be set 200 feet below the deepest fresh water zone found in these wells or to reach a depth below the reasonably estimated level of usable water (as defined in 43 CFR 3162.5-2).

In some cases, such as shallower wells, cementing the casing/borehole annulus from total depth (of from a staging tool) up to the base level of usable water is required, rather than requiring extensive surface casing.

APPENDIX R

ELK FEEDGROUND LOCATIONS

Elk Feedground Locations			
Feedground	**Surface Acres[1] Federal**	**Surface Acres[1] Private**	**Legal Description**
Scab Creek	2,240		T. 33 N., R. 106 W. sec. 18, N1/2, SE1/4, E1/2SW1/4, SW1/4SW1/4 sec. 19, N1/2, E1/2SE1/4, W1/2SW1/4
		960	T. 33 N., R. 106 W. sec. 18, NW1/4SW1/4 sec. 19, W1/2SE1/4, E1/2SW1/4
			T. 33 N., R. 107 W. sec. 13, SW1/4, W1/2SE1/4, NE1/4SE1/4 sec. 14, SE1/4 sec. 23, E1/2
Fall Creek	160		T. 33 N., R. 108 W. sec. 1, N1/2N1/2
		640	T. 33 N., R. 108 W. sec. 1, S1/2N1/2, S1/2 sec. 12, N1/2N1/2
Soda Lake		1,840	T. 35 N., R. 109 W. sec. 26, NW1/4, N1/2SW1/4 sec. 27, W1/2, N1/2SE1/4, SW1/4SE1/4

			sec. 34, All sec. 35, NW1/4NW1/4, S1/2NW1/4, SW1/4
			T. 34. N., R. 109 W. sec. 2, N1/2NW1/4 sec. 3, N1/2N1/2
Franz	680		T. 36 N., R. 112 W. sec. 14, SE1/4, W1/2NE1/4, N1/2NW1/4 sec. 15, NW1/4NW1/4 sec. 23, E1/2
		1,400	T. 36 N., R. 112 W. sec. 11, SW1/4, W1/2SE1/4 sec. 14, SW1/4, S1/2NW1/4 sec. 15, E1/2, SW1/4, E1/2NW1/4, SW1/4NW1/4 sec. 23, W1/2
Black Butte	320		T. 36 N., R. 110 W. sec. 6, SW1/4, W1/2SE1/4, SE1/4NW1/4
			T. 37 N., R. 110 W. sec. 33, NW1/4SW1/4
		1,400	T. 36 N., R. 110 W. sec. 6, N1/2N1/2, SW1/4NW1/4, SW1/4NE1/4
			T. 37 N., R. 110 W. sec. 33, SE1/4, S1/2NE1/4, E1/2SW1/4, SW1/4SW1/4 sec. 34, S1/2N1/2, S1/2 sec. 35, W1/2

Jewett		640	T. 34 N., R. 114 W. sec. 35
Bench Corral	1,920		T. 31 N., R. 112 W. secs. 1, 2
			T. 32 N., R. 112 W. sec. 35
North Piney	1,080		T. 31 N., R. 114 W. sec. 29, N1/2, N1/2SW1/4, NW1/4SE1/4 sec. 30
Finnegan	1,920		T. 30 N., R. 114 W. sec. 17, W1/2SW1/4 sec. 18 sec. 19 sec. 20, NW1/4, N1/2SW1/4 sec. 30, N1/2
		400	T. 30 N., R. 114 W. sec. 20, E1/2, S1/2SW1/4
Total federal surface acres and federal minerals	8,320		
Total private surface acres and federal minerals	7,280		
Total Acres	15,600		

[1]All mineral acreages are federally administered.

APPENDIX S

EXECUTIVE ORDER 13112 INVASIVE SPECIES

Environment

Executive Order 13112
February 3, 1999

Invasive Species

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended (16 U.S.C. 4701 et seq.), Lacey Act, as amended (18 U.S.C. 42), Federal Plant Pest Act (7 U.S.C. 150aa et seq.), Federal Noxious Weed Act of 1974, as amended (7 U.S.C. 2801 et seq.), Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), and other pertinent statutes, to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause, it is ordered as follows:

Section 1. *Definitions.*

(a) "Alien species" means, with respect to a particular ecosystem, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem.

(b) "Control" means, as appropriate, eradicating, suppressing, reducing, or managing invasive species populations, preventing spread of invasive species from areas where they are present, and taking steps such as restoration of native species and habitats to reduce the effects of invasive species and to prevent further invasions.

(c) "Ecosystem" means the complex of a community of organisms and its environment.

(d) "Federal agency" means an executive department or agency, but does not include independent establishments as defined by 5 U.S.C. 104.

(e) "Introduction" means the intentional or unintentional escape, release, dissemination, or placement of a species into an ecosystem as a result of human activity.

(f) "Invasive species" means an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.

(g) "Native species" means, with respect to a particular ecosystem, a species that, other than as a result of an introduction, historically occurred or currently occurs in that ecosystem.

(h) "Species" means a group of organisms all of which have a high degree of physical and genetic similarity, generally interbreed only among themselves, and show persistent differences from members of allied groups of organisms.

(i) "Stakeholders" means, but is not limited to, State, tribal, and local government agencies, academic institutions, the scientific community, non-governmental entities including environmental, agricultural, and conservation organizations, trade groups, commercial interests, and private landowners.

(j) "United States" means the 50 States, the District of Columbia, Puerto Rico, Guam, and all possessions, territories, and the territorial sea of the United States.

Section 2. *Federal Agency Duties.*

(a) Each Federal agency whose actions may affect the status of invasive species shall, to the extent practicable and permitted by law, (1) identify such actions;(2) subject to the availability of appropriations, and within Administration budgetary limits, use relevant programs and authorities to: (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; (v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (vi)

promote public education on invasive species and the means to address them; and (3) not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

(b) Federal agencies shall pursue the duties set forth in this section in consultation with the Invasive Species Council, consistent with the Invasive Species Management Plan and in cooperation with stakeholders, as appropriate, and, as approved by the Department of State, when Federal agencies are working with international organizations and foreign nations.

Section 3. *Invasive Species Council.*

(a) An Invasive Species Council (Council) is hereby established whose members shall include the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency. The Council shall be Co-Chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The Council may invite additional Federal agency representatives to be members, including representatives from sub-cabinet bureaus or offices with significant responsibilities concerning invasive species, and may prescribe special procedures for their participation. The Secretary of the Interior shall, with concurrence of the Co-Chairs, appoint an Executive Director of the Council and shall provide the staff and administrative support for the Council.

(b) The Secretary of the Interior shall establish an advisory committee under the Federal Advisory Committee Act, 5 U.S.C. App., to provide information and advice for consideration by the Council, and shall, after consultation with other members of the Council, appoint members of the advisory committee representing stakeholders. Among other things, the advisory committee shall recommend plans and actions at local, tribal, State, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order. The advisory committee shall act in cooperation with stakeholders and existing organizations addressing invasive species. The Department of the Interior shall provide the administrative and financial support for the advisory committee.

Section 4. *Duties of the Invasive Species Council.*

The Invasive Species Council shall provide national leadership regarding invasive species, and shall:

(a) oversee the implementation of this order and ensure that the Federal agency activities concerning invasive species are coordinated, complementary, cost-efficient, and effective, relying to the extent feasible and appropriate on existing organizations addressing invasive species, such as the Aquatic Nuisance Species Task Force, the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, and the Committee on Environment and Natural Resources;

(b) encourage planning and action at local, tribal, State, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order, in cooperation with stakeholders and existing organizations addressing invasive species;

(c) develop recommendations for international cooperation in addressing invasive species;

(d) develop, in consultation with the Council on Environmental Quality, guidance to Federal agencies pursuant to the National Environmental Policy Act on prevention and control of invasive species, including the procurement, use, and maintenance of native species as they affect invasive species;

(e) facilitate development of a coordinated network among Federal agencies to document, evaluate, and monitor impacts from invasive species on the economy, the environment, and human health;

(f) facilitate establishment of a coordinated, up-to-date information-sharing system that utilizes, to the greatest extent practicable, the Internet. This system shall facilitate access to and exchange of information concerning invasive species, including, but not limited to, information on distribution and abundance of invasive species; life histories of such species and invasive characteristics; economic, environmental, and human health impacts; management techniques, and laws and programs for management, research, and public education; and

(g) prepare and issue a National Invasive Species Management Plan as set forth in section 5 of this order.

Section 5. *Invasive Species Management Plan*

(a) Within 18 months after issuance of this order, the Council shall prepare and issue the first edition of a National Invasive Species Management Plan (Management Plan), which shall detail and recommend performance-oriented goals and objectives and specific measures of success for Federal agency efforts concerning invasive species. The Management Plan shall recommend specific objectives and measures for carrying out each of the Federal agency duties established in section 2(a) of this order and shall set forth steps to be taken by the Council to carry out the duties assigned to it under section 4 of this order. The Management Plan shall be developed through a public process and in consultation with Federal agencies and stakeholders.

(b) The first edition of the Management Plan shall include a review of existing and prospective approaches and authorities for preventing the introduction and spread of invasive species, including those for identifying path-ways by which invasive species are invodvied and for minimizing the risk of introductions via these pathways, and shall identify research needs and recommend measures to minimize the risk that introductions will occur. Such recommended measures shall provide for a science-based process to evaluate risks associated with introduction and spread of invasive species and a coordinated and systematic risk-based process to identify, monitor, and interdict pathways that may be involved in the introduction of invasive species. If recommended measures are not authorized by current law, the Council shall develop and recommend to the President through its Co-Chairs legislative proposals for necessary changes in authority.

(c) The Council shall update the Management Plan biennially and shall concurrently evaluate and report on success in achieving the goals and objectives set forth in the Management Plan. The Management Plan shall identify the personnel, other resources, and additional levels of coordination needed to achieve the Management Plan's identified goals and objectives, and the Council shall provide each edition of the Management Plan and each report on it to the Office of Management and Budget. Within 18 months after measures have been recommended by the Council in any edition of the Management Plan, each Federal agency whose action is required to implement such measures shall either take the action recommended or shall provide the Council with an explanation of why the action is not feasible. The Council shall assess the effectiveness of this order no less than once each 5 years after the order is issued and shall report to the Office of Management and Budget on whether the order should be revised.

Section 6. *Judicial Review and Administration*

(a) This order is intended only to improve the internal management of the executive branch and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any other person.

(b) Executive Order 11987 of May 24, 1977, is hereby revoked.

(c) The requirements of this order do not affect the obligations of Federal agencies under 16 U.S.C. 4713 with respect to ballast water programs. (d) The requirements of section 2(a)(3) of this order shall not apply to any action of the Department of State or Department of Defense if the Secretary of State or the Secretary of Defense finds that exemption from such requirements is necessary for foreign policy or national security reasons.

/s/
William J. Clinton

THE WHITE HOUSE,
February 3, 1999
[FR Doc. 99-3184]

APPENDIX T

NORTHWEST AREA NOXIOUIS WEED

CONTROL PROGRAM EIS (COVER PAGE ONLY)

Link to full document. www.blm.gov/weeds/NorthwestEIS.htm

Final

Northwest Area Noxious Weed Control Program

Environmental Impact Statement

Prepared by

U.S. Department of the Interior
Bureau of Land Management
December 1985

State Director, Oregon State Office

APPENDIX U

USE OF VISUAL RESOURCE MANAGEMENT CLASS I DESIGNATIONS IN WILDERNESS STUDY

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

March 21, 2000

In Reply Refer To
8400 (250) P

EMS TRANSMISSION 03/23/2000
Instruction Memorandum No. 2000-096
Expires: 09/30/2001

To: All State Directors

From: Assistant Director, Renewable Resources and Planning

Subject: Use of Visual Resource Management Class I Designation in Wilderness Study Areas

This memorandum provides clarification on the appropriate Visual Resource Management (VRM) Class designation to be used when preparing Resource Management Plans (RMPs), or other management plans or guidance for lands that contain Wilderness Study Areas (WSAs).

Specifically, the Bureau of Land Management (BLM) Handbook, H-8410-1, Visual Resource Inventory, states on page 6, paragraph 1, that "... Class I is (emphasis added) assigned to those areas where a decision has been made previously to maintain a natural landscape. This includes areas such as wilderness areas, ... and other congressionally and administratively designated areas where decisions have been made to preserve a natural landscape." The BLM has interpreted this statement to include WSAs until such time as these areas are designated as wilderness or released for other uses by the Congress.

It is important to understand that in these situations, the VRM management objectives are being used to support WSA management objectives. For WSAs, this is not only about visual values as many WSAs do not necessarily contain exceptionally high scenic values. The primary objective of WSA management is to retain the WSA's natural character essentially unaltered by humans during the time it is being managed as a WSA.

Therefore, it is the Bureau position, recognizing case-by-case exceptions for valid existing rights and grandfathered uses, that all WSAs should be classified as Class I, and managed according to VRM Class I management objectives until such time as the Congress decides to designate the area as wilderness or release it for other uses. If a WSA is designated as wilderness, the area would continue to be managed as VRM Class I. However, if the WSA is released, the RMP for the area would need to be amended and appropriate VRM management objectives established. This policy applies to all future plans and plan amendments.

The attachment to this memorandum consists of questions and answers that may be helpful in fully understanding this policy clarification.

Please contact Rich Hagan of my staff at (303) 236-9508 regarding technical implementation of this memorandum.

Signed by:
Elaine M. Brong
Deputy Assistant Director
Renewable Resources & Planning

Authenticated by:
Robert M. Williams
Directives, Records
& Internet Group,WO560

1 Attachment
1 - Questions and Answers - Visual Resource Management Policy Clarification for WSAs (3 pp)

QUESTIONS & ANSWERS
VISUAL RESOURCE MANAGEMENT POLICY CLARIFICATION FOR WSA'S

Q. What is the reason for this policy clarification?

A. This policy clarification will insure consistent application of the visual resource management policy for wilderness study areas when plans and plan amendments are prepared.

Q. Why should wilderness study areas be included as Class I areas in future planning efforts?

A. Class I is assigned to areas where a management decision has been made previously to maintain a natural landscape. WSAs are administratively or Congressionally designated areas where the decision has been made to retain a natural landscape until Congress makes a decision as to its future management.

Q. Is this policy clarification consistent with the H 8400-1, Visual Resource Inventory Handbook"

A. Yes. The clarification is consistent with the Visual Resource Inventory Handbook, H-8400-1, Section V.A.1., which states that administratively designated areas with an objective of preserving an existing natural landscape should be assigned Class I. This is clearly the case with Wilderness Study Areas

Q. Why were WSAs not specifically included in the H 8400-1 Handbook?

A. A specific reference to WSAs in the 1984 Handbook was probably an oversight. The purpose of the Instruction Memorandum is to clarify the intent of the Handbook

Q. What is the process for implementing this policy clarification?

A. This policy should be incorporated in all future plans and plan amendments in areas with WSAs. It is not necessary to amend existing plans solely to change VRM class ratings.

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